

AMENDED IN ASSEMBLY JUNE 28, 2005

AMENDED IN SENATE MAY 27, 2005

**SENATE BILL**

**No. 144**

**Introduced by Senator Runner**

February 3, 2005

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An act to repeal and add Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code, relating to retail food.

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as amended, Runner. Retail food.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services and is primarily enforced by local health agencies. CURFFL prohibits a food facility from opening for business without a valid permit issued by the local enforcement agency. A violation of any provision of CURFFL is a misdemeanor.

~~Effective January 1, 2007, this bill~~

*This bill, commencing January 1, 2007, would repeal CURFFL and would recast and revise its provisions by creating the California Retail Food Code. The bill would provide that any provisions of the act that impose additional duties upon the State Department of Health Services shall be implemented only if and when adequate funding is made available to the department. By creating new crimes and enforcement responsibilities, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 7 (commencing with Section 113700) of  
2 Division 104 of the Health and Safety Code is repealed.

3 SEC. 2. Part 7 (commencing with Section 113700) is added  
4 to Division 104 of the Health and Safety Code, to read:

5

6 PART 7. CALIFORNIA RETAIL FOOD CODE

7

8 CHAPTER 1. GENERAL PROVISIONS

9

10 113700. These provisions shall be known, *and may be cited*,  
11 as the California Retail Food Code, hereafter referred to as “this  
12 part.”

13 113703. The purpose of this part is to safeguard public health  
14 and provide to consumers food that is safe, unadulterated, and  
15 honestly presented through adoption of science-based standards.

16 113705. The Legislature finds and declares that the public  
17 health interest requires that there be uniform statewide health and  
18 sanitation standards for retail food facilities to assure the people  
19 of this state that the food will be pure, safe, and unadulterated.  
20 Except as provided in Section 113709, it is the intent of the  
21 Legislature to occupy the whole field of health and sanitation  
22 standards for retail food facilities, and the standards set forth in  
23 this part and regulations adopted pursuant to this part shall be  
24 exclusive of all local health and sanitation standards relating to  
25 retail food facilities.

26 113707. The department shall adopt regulations to implement  
27 and administer this part.

28 113709. Nothing in this part shall prohibit a local governing  
29 body from adopting an evaluation or grading system for food

1 facilities, from prohibiting any type of food facility, from  
2 adopting an employee health certification program, or from  
3 regulating the provision of patron toilet and handwashing  
4 facilities.

5 113711. In all laws and regulations, references to Chapter 4  
6 (commencing with Section 113700) or the California Uniform  
7 Retail Food Facilities Law, shall mean this part or the California  
8 Retail Food Code.

9 113713. (a) Primary responsibility for enforcement of this  
10 part shall be with the local enforcement agency. Nothing in this  
11 part shall prevent the department from taking any necessary  
12 program or enforcement actions for the protection of the public  
13 health and safety.

14 (b) The department shall provide technical assistance, training,  
15 standardization, program evaluation, and other services to local  
16 health agencies as necessary to ensure the uniform interpretation  
17 and application of this part.

18 (c) Whenever the enforcement of the requirements of this part  
19 by any local enforcement agency is satisfactory to the  
20 department, the enforcement of this part shall not be duplicated  
21 by the department. The department shall investigate to determine  
22 satisfactory enforcement of this part by evaluating the program of  
23 each local enforcement agency at least once every three years.  
24 The department shall prepare a report of the evaluation and list  
25 any program improvements needed.

26 113715. Any construction, alteration, remodeling, or  
27 operation of a food facility shall be approved by the enforcement  
28 agency and shall be in accordance with all applicable local, state,  
29 and federal statutes, regulations, and ordinances, including but  
30 not limited to, fire, building, and zoning codes.

31 113717. (a) Any person requesting the department to  
32 undertake any activity pursuant to Sections 114417 and 114419.3  
33 shall pay the department's costs incurred in undertaking the  
34 activity. The department's services shall be assessed at the  
35 current hourly cost-recovery rate, and it shall be entitled to  
36 recover any other costs reasonably and actually incurred in  
37 performing those activities, including, but not limited to, the  
38 costs of additional inspection and laboratory testing. For  
39 purposes of this section, the department's hourly rate shall be  
40 adjusted annually in accordance with Section 100425.

1 (b) The department shall provide to the person paying the  
2 required fee a statement, invoice, or similar document that  
3 describes in reasonable detail the costs paid.

4 (c) For purposes of this section only, the term “person” does  
5 not include any city, county, city and county, or other political  
6 subdivision of the state or local government.

7 113719. Structural and sanitation requirements shall be based  
8 on the food service activity to be conducted, the type of food that  
9 is to be prepared or served, and the extent of food preparation  
10 that is to be conducted at the food facility.

11 113725. (a) The enforcement agency shall utilize a  
12 standardized food facility inspection format for food facility  
13 inspections that includes all of the following:

14 (1) The name and address of the food facility.

15 (2) Identification of the following inspection criteria, which  
16 shall be the basis of the inspection report:

17 (A) Improper holding temperatures of potentially hazardous  
18 foods.

19 (B) Improper cooling of potentially hazardous foods.

20 (C) Inadequate cooking of potentially hazardous foods.

21 (D) Poor personal hygiene of food employees.

22 (E) Contaminated equipment.

23 (F) Food from unapproved sources.

24 (3) For each violation identified pursuant to paragraph (2),  
25 classification of the violation as a minor violation or major  
26 violation.

27 (b) An enforcement agency may modify the format to add  
28 criteria to those specified pursuant to paragraph (2) of  
29 subdivision (a), if both of the following conditions are met:

30 (1) The additional criteria are based on other provisions of this  
31 part.

32 (2) A violation is identified by reference to items and sections  
33 of this part, or the regulations adopted pursuant to this part  
34 relating to those items, if a food facility is cited for a violation of  
35 the additional criteria.

36 (c) This section shall not restrict the ability of the enforcement  
37 agency to inspect and report on criteria other than those subject  
38 to regulation under this part.

39 113725.1. A copy of the most recent routine inspection report  
40 conducted to assess general compliance with this part shall be

1 maintained at the food facility and made available upon request.  
2 The food facility shall post a notice advising patrons that a copy  
3 of the most recent routine inspection report is available for  
4 review by any interested party.

5 113725.2. The department and local enforcement agencies  
6 shall conduct routine training on food facility inspection  
7 standardization to promote the uniform application of inspection  
8 procedures.

9 113725.3. (a) The department shall publish standardized  
10 procedures for enforcement agencies to report food facility  
11 inspection information regarding each food facility. The report  
12 shall include all of the following:

- 13 (1) Name and address of the food facility.
- 14 (2) Date of last inspection.
- 15 (3) Identification of any major violation identified in a food  
16 facility inspection.
- 17 (4) Reinspection date, if applicable.
- 18 (5) Period of closure, if applicable.

19 (b) The department, in consultation with local environmental  
20 health ~~officers~~ *directors*, representatives of the retail food  
21 industry, and other interested parties, may periodically review  
22 and revise the standardized procedures established pursuant to  
23 subdivision (a). In making any revisions, the department shall  
24 strive to ensure that the required information can be reported and  
25 made available in the most efficient, timely, and cost-effective  
26 manner.

27 (c) (1) The standardized procedures established pursuant to  
28 this section shall include a standardized electronic format and  
29 protocol for reporting the food facility inspection data in a timely  
30 manner, and shall strive to ensure that the information is readily  
31 accessible, can be rapidly reported, and, if necessary, corrected,  
32 for each food facility that has been inspected or reinspected. If  
33 the enforcement agency determines that reported information is  
34 materially in error, that error shall be corrected within 48 hours  
35 after that determination.

36 (2) The department may establish standardized procedures for  
37 reporting the information on electronic media, including, but not  
38 limited to, floppy disks or compact disks.

(d) Within 60 days after the department has established the standardized procedures pursuant to this section, the department shall publish these procedures.

(e) (1) Each enforcement agency that reports food facility inspection information on an Internet Web site shall report the information in accordance with the standardized procedures established pursuant to this section.

(2) This section shall not restrict the ability of an enforcement agency to report on matters other than matters subject to regulation under this part.

(f) The department may establish a link to each Internet Web site utilized by any enforcement agency containing the food facility inspection information pursuant to subdivision (e).

## CHAPTER 2. DEFINITIONS

113728. The following definitions apply in the interpretation and application of this part.

113729. “Food additive” has the meaning stated in Section 109940. “Color additive” has the meaning stated in Section 109895.

113732. “Adulterated” means:

(a) Food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health.

(b) Food that is manufactured, prepared, or stored in a manner that deviates from a HACCP plan so as to pose a discernable increase in risk.

113734. “Approved” means acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health.

113735. “Approved source” means a producer, manufacturer, distributor, transporter that meets the requirements of Section 113982, or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

1 113737. “ $a_w$ ” means water activity that is a measure of the  
2 free moisture in a food, is the quotient of the water vapor  
3 pressure of the substance divided by the vapor pressure of pure  
4 water at the same temperature, and is indicated by the symbol  $a_w$ .

5 113739. “Beverage” means a liquid for drinking, including  
6 water.

7 113742. “Certified farmers’ market” means a location that is  
8 certified by the State of California through the enforcement  
9 officers of the county agricultural commissioners and operated  
10 pursuant to Chapter 10.5 (commencing with Section 47000) of  
11 Division 17 of the Food and Agricultural Code and regulations  
12 adopted pursuant to that chapter.

13 113744. “C.F.R.” means the Code of Federal Regulations.  
14 Citations in this part to the C.F.R. refer sequentially to the title,  
15 part, and section numbers, such as 21 C.F.R. 178.1010 refers to  
16 Title 21, Part 178, Section 1010.

17 113746. “Child day care facility” means a facility that  
18 provides nonmedical care to children under 18 years of age in  
19 need of personal services, supervision, or assistance essential for  
20 sustaining the activities of daily living or for the protection of the  
21 individual on less than a 24-hour basis. “Child day care facility”  
22 includes day care centers, employer-sponsored child care centers,  
23 and family day care homes.

24 113747. (a) “CIP” means cleaned in place by the circulation  
25 or flowing by mechanical means through a piping system of a  
26 detergent solution, water rinse, and sanitizing solution onto or  
27 over equipment surfaces that require cleaning, such as the  
28 method used, in part, to clean and sanitize a frozen dessert  
29 machine.

30 (b) “CIP” does not include the cleaning of equipment such as  
31 band saws, slicers, or mixers that are subjected to in-place  
32 manual cleaning without the use of a CIP system.

33 113748. “Commingle” means:

34 (a) To combine shellstock harvested on different days or from  
35 different growing areas as identified on the tag or label.

36 (b) To combine shucked shellfish from containers with  
37 different container codes or different shucking dates.

38 113750. (a) “Comminuted” means reduced in size by  
39 methods including chopping, flaking, grinding, or mincing.

(b) “Comminuted” includes fish or meat products that are reduced in size and restructured or reformulated including, but not limited to, gefilte fish, formed roast beef, gyros, ground beef, sausage, and a mixture of two or more types of meat that have been reduced in size and combined, including, but not limited to, sausages made from two or more meats.

113751. “Commissary” means a food facility that services mobile food facilities, mobile support units, or vending machines where all of the following occur:

(a) Food, containers, or supplies are stored.

(b) Food is prepared or prepackaged for sale or service at other locations.

(c) Utensils are cleaned.

(d) Liquid and solid wastes are disposed, or potable water is obtained.

113753. “Community care facility” means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and those persons described in Section 1502.

113755. “Community event” means an event that is of civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

113756. “Condiment” means a nonpotentially hazardous food, such as relishes, spices, sauces, confections, or seasonings, that requires no additional preparation, and that is used on a food item, including, but not limited to, ketchup, mustard, mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chile peppers.

113757. “Consumer” means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility, and does not offer the food for resale.

113759. “Control point” means any distinct procedure or step in receiving, storing, handling, preparing, displaying, transporting, or dispensing a food.



1 113760. “Critical control point” means a point or procedure  
2 in a specific food system where loss of control may result in an  
3 unacceptable health risk.

4 113761. “Critical limit” means the maximum or minimum  
5 value to which a physical, biological, or chemical parameter must  
6 be controlled at a critical control point to minimize the risk that  
7 the identified food safety hazard may occur.

8 113763. “Department” means the State Department of Health  
9 Services.

10 113767. (a) “Easily cleanable” means a characteristic of a  
11 surface that meets any of the following criteria:

12 (1) Allows effective removal of soil or food residue by normal  
13 cleaning methods.

14 (2) Is dependent on the material, design, construction, and  
15 installation of the surface.

16 (3) Varies with the likelihood of the surface’s role in  
17 introducing pathogenic or toxigenic agents or other contaminants  
18 into food based on the surface’s approved placement, purpose,  
19 and use.

20 (b) “Easily cleanable” includes a tiered application of the  
21 criteria that qualify the surface as easily cleanable pursuant to  
22 subdivision (a) to different situations in which varying degrees of  
23 cleanability are required such as any of the following:

24 (1) The appropriateness of stainless steel for a food  
25 preparation surface, as opposed to the lack of need for stainless  
26 steel, to be used for floors or for tables used for consumer dining.

27 (2) The need for a different degree of cleanability for a  
28 utilitarian attachment or accessory in the kitchen as opposed to a  
29 decorative attachment or accessory in the consumer dining area.

30 113768. “Easily movable” means either of the following:

31 (a) Portable; mounted on casters, gliders, or rollers so as to be  
32 moveable by one person; or provided with a mechanical means to  
33 safely tilt or move a unit of equipment for cleaning.

34 (b) Having no utility connection, a utility connection that  
35 disconnects quickly, or a flexible utility connection line of  
36 sufficient length to allow the equipment to be moved for cleaning  
37 of the equipment and adjacent area.

38 113769. “Egg” means the shell egg of the domesticated  
39 chicken, turkey, duck, goose, or guinea.

1 113770. “Employee” means the permitholder, person in  
2 charge, person having supervisory or management duties, person  
3 on the payroll, family member, volunteer, person performing  
4 work under contractual agreement, or other person working in a  
5 food facility.

6 113773. “Enforcement agency” means the department and all  
7 local health agencies.

8 113774. “Enforcement officer” means the director, agents, or  
9 environmental health specialists appointed by the Director of  
10 Health Services, and all local health officers, directors of  
11 environmental health, and their duly authorized registered  
12 environmental health specialists and environmental health  
13 specialist trainees.

14 113777. (a) “Equipment” means an article that is used in the  
15 operation of a food facility, including, but not limited to, a  
16 freezer, grinder, hood, icemaker, meat block, mixer, oven,  
17 reach-in refrigerator, scale, food and utensil shelving and  
18 cabinets, sink, slicer, stove, table, temperature measuring device  
19 for ambient air, vending machine, or warewashing machine.

20 (b) “Equipment” does not include items used for handling or  
21 storing large quantities of prepackaged foods that are received  
22 from a supplier in a cased or overwrapped lot, such as hand  
23 trucks, forklifts, dollies, pallets, racks, and skids.

24 113778. “Exclude” means to prevent a person from working  
25 as a food employee or entering a food facility except for those  
26 areas open to the general public.

27 113779. (a) “Fish” means fresh or saltwater finfish,  
28 crustaceans, and other forms of aquatic life, including alligator,  
29 frog, aquatic turtle, jellyfish, sea cucumber, sea urchin, and the  
30 roe of these animals, other than birds or mammals, and all  
31 molluscan shellfish, if intended for human consumption.

32 (b) “Fish” includes a product derived in whole or in part from  
33 fish, including fish that have been processed in any manner.

34 113781. “Food” means a raw, cooked, or processed edible  
35 substance, ice, beverage, an ingredient used or intended for use  
36 or for sale in whole or in part for human consumption, and  
37 chewing gum.

38 113783. “Food bank” means a surplus food collection and  
39 distribution system operated and established to assist in bringing  
40 donated food to nonprofit charitable organizations and

1 individuals for the purposes of reducing hunger and supplying  
2 nutritional needs.

3 113784. “Food compartment” means an enclosed space with  
4 all of the following characteristics:

5 (a) The space is defined by a physical barrier from the outside  
6 environment that completely encloses all food, food-contact  
7 surfaces, and the handling of nonprepackaged food.

8 (b) All access openings are equipped with tight-fitting  
9 closures, or one or more alternative barriers that effectively  
10 protect the food from contamination, facilitate safe food  
11 handling, while minimizing exposure to the environment.

12 (c) It is constructed from materials that are nontoxic, smooth,  
13 easily cleanable, and durable and is constructed to facilitate the  
14 cleaning of the interior and exterior of the compartment.

15 113786. “Food-contact surface” means either of the  
16 following:

17 (a) A surface of equipment or a utensil with which food  
18 normally comes into contact.

19 (b) A surface of equipment or a utensil from which food may  
20 drain, drip, or splash into a food or ~~on to~~ onto a surface normally  
21 in contact with food.

22 113788. “Food employee” means an employee working with  
23 food, food equipment or utensils, or food-contact surfaces.

24 113789. (a) “Food facility” means an operation where food is  
25 stored, prepared, prepackaged, served, sold, or where food is  
26 otherwise provided for human consumption at the retail level,  
27 including, but not limited to, the following:

28 (1) A restaurant, satellite or catered feeding location, catering  
29 operation if the operation provides food directly to a consumer or  
30 to a conveyance used to transport people, market, vending  
31 location, institution, or food bank that relinquishes possession of  
32 food to a consumer directly or indirectly through a delivery  
33 service such as home delivery of grocery orders or restaurant  
34 takeout orders.

35 (2) An operation that is conducted in a mobile, temporary, or  
36 permanent food facility or location where the food is consumed  
37 on or off the premises, regardless of whether there is a charge for  
38 the food.

39 (3) Any place used in conjunction with the operations  
40 described in this subdivision, including, but not limited to,

1 storage facilities for food-related utensils, equipment, and  
2 materials.

3 (b) “Food facility” includes permanent and nonpermanent  
4 food facilities, including, but not limited to, the following:

5 (1) Public and private school cafeterias.

6 (2) Restricted food service facilities.

7 (3) Supervised care facilities.

8 (4) Commissaries.

9 (5) Mobile food facilities.

10 (6) Mobile support units.

11 (7) Temporary food facilities.

12 (8) Vending machines.

13 (9) Certified farmers’ markets, for purposes of permitting and  
14 enforcement.

15 (c) “Food facility” does not include any of the following:

16 (1) A private home, a church and nonprofit charitable  
17 organization that gives or sells food to its members and guests, or  
18 a for-profit entity that gives or sells food to members and guests  
19 for the benefit of a nonprofit association, if the for-profit entity  
20 receives no monetary benefit, other than that resulting from  
21 recognition from participating in an event.

22 (2) Premises set aside for winetasting, as that term is used in  
23 Section 23356.1 of the Business and Professions Code and in the  
24 regulations adopted pursuant to that section, if no food or  
25 beverage is offered for sale for onsite consumption.

26 (3) Premises operated by a producer, selling or offering for  
27 sale only whole produce grown by the producer, or shell eggs, or  
28 both, provided the sales are conducted on premises controlled by  
29 the producer.

30 (4) A commercial food processing plant as defined in Section  
31 111955.

32 113791. “Food preparation” means packaging, processing,  
33 assembling, portioning, or any operation that changes the form,  
34 flavor, or consistency of food, but does not include trimming of  
35 produce.

36 113794. “Food safety program” means any city, county, or  
37 city and county program that requires, at a minimum, either of  
38 the following:

1 (a) The training of one or more individuals, whether  
2 denominated as “owners,” “managers,” “handlers,” or otherwise,  
3 relating in any manner to food safety issues.

4 (b) Individuals to pass a food safety certification examination.

5 113794.1. “Food handler program” means any city, county,  
6 or city and county program that requires that all or a substantial  
7 portion of the employees of a food facility who are involved in  
8 the preparation, storage, service, or handling of food products,  
9 engage in an approved food safety training or pass an approved  
10 food safety certification examination, or both.

11 113795. (a) “Game animal” means an animal, the products of  
12 which are food, that is not classified as cattle, sheep, swine, goat,  
13 horse, mule, or other equine in 9 C.F.R. 301, as poultry in 9  
14 C.F.R. 381, or as fish as defined under Subpart 1–201.10(B)(31)  
15 of the Food and Drug Administration 2001 Food Code.

16 (b) “Game animal” includes mammals such as reindeer, elk,  
17 deer, antelope, water buffalo, bison, rabbit, squirrel, opossum,  
18 raccoon, nutria, or muskrat, and nonaquatic reptiles such as land  
19 snakes.

20 (c) “Game animal” does not include ratites such as ostrich,  
21 emu, and rhea.

22 113797. “Grade A standards” means the requirements of the  
23 United States Public Health Service/FDA “Grade A Pasteurized  
24 Milk Ordinance” and “Grade A Condensed and Dry Milk  
25 Ordinance” with which certain fluid and dry milk and milk  
26 products comply.

27 113799. “HACCP” means a Hazard Analysis Critical Control  
28 Point.

29 113801. “HACCP plan” means a written document that  
30 delineates the formal procedures for following the Hazard  
31 Analysis Critical Control Point principles developed by the  
32 National Advisory Committee on Microbiological Criteria for  
33 Foods and complies with the requirements of Section 114419.1.

34 113803. “Hazard” means a biological, chemical, or physical  
35 property that may cause an unacceptable public health risk.

36 113804. “Hearing officer” means a local health officer, a  
37 director of environmental health, or his or her designee.

38 113805. “Hermetically sealed container” means a container  
39 that is designed and intended to be secure against the entry of

1 micro-organisms and, in the case of low acid canned foods, to  
2 maintain the commercial sterility of its contents after processing.

3 113806. “Highly susceptible population” means a group of  
4 persons who are more likely than other populations to experience  
5 foodborne illness because they are immunocompromised or older  
6 adults or children and includes, but is not limited to, persons at  
7 supervised care facilities.

8 113810. “Imminent health hazard” means a significant threat  
9 or danger to health that is considered to exist when there is  
10 evidence sufficient to show that a product, practice,  
11 circumstance, or event creates a situation that can cause food  
12 infection, food intoxication, disease transmission, vermin  
13 infestation, or hazardous condition that requires immediate  
14 correction or cessation of operation to prevent injury, illness, or  
15 death.

16 113812. “Impound” means the legal control exercised by the  
17 enforcement officer over the use, sale, disposal, or removal of  
18 any food, equipment, or utensils.

19 113814. “Injected” means manipulating a meat so that  
20 infectious or toxigenic microorganisms may be introduced from  
21 its surface to its interior through tenderizing with deep  
22 penetration or injecting the meat by processes that may be  
23 referred to as “injecting,” “pinning,” or “stitch pumping.”

24 113815. “Juice” means the aqueous liquid expressed or  
25 extracted from one or more fruits or vegetables, purees of the  
26 edible portions of one or more fruits or vegetables, or any  
27 concentrates of such liquid or puree. “Juice” includes juice as a  
28 beverage, an ingredient of a beverage, and a puree as an  
29 ingredient of a beverage.

30 113816. “Law” means applicable local, state, and federal  
31 statutes, regulations, and ordinances.

32 113818. (a) “Limited food preparation” means food  
33 preparation that is restricted to one or more of the following:

34 (1) Heating, frying, baking, roasting, popping, blending, or  
35 assembly of nonprepackaged food.

36 (2) Bulk dispensing of nonpotentially hazardous beverages.

37 (3) Holding, portioning, and dispensing of any foods that are  
38 prepared for satellite food service by the onsite permanent food  
39 facility or prepackaged by another approved source.

1 (4) Slicing and chopping of food on a ~~cooking surface~~ *heated*  
2 *cooking surface during the cooking process.*

3 (5) Cooking and seasoning to order.

4 (b) “Limited food preparation” does not include *slicing and*  
5 *chopping unless it is on the heated cooking surface* thawing,  
6 cooling of cooked potentially hazardous food, slicing, chopping,  
7 or grinding of raw ingredients or potentially hazardous food,  
8 reheating for hot holding, washing of foods, or cooking of  
9 potentially hazardous foods for later use.

10 113820. “Linens” means fabric items such as cloth hampers,  
11 cloth napkins, tablecloths, wiping cloths, and work garments,  
12 including cloth gloves.

13 113821. “Major violation” means a violation of this part that  
14 poses an imminent health hazard and warrants immediate closure  
15 of the food facility or immediate correction.

16 113823. “Meat” means the flesh of animals used as food,  
17 including the dressed flesh of cattle, swine, sheep, goats, game  
18 animal, and other edible animals, except fish and poultry.

19 113824. “Menu change” means a modification of a food  
20 facility’s menu that would require a change in the food facility’s  
21 food preparation methods, storage equipment, or storage capacity  
22 previously approved by the local enforcement agency. These  
23 changes may include, but are not limited to, the addition of  
24 potentially hazardous foods to a menu, installation of new food  
25 preparation or storage equipment, or increasing storage capacity.

26 ~~113825. “Members and guests” means the following for~~  
27 ~~purposes of Section 113789:~~

28 (a) ~~“Member” means a person who is a member of a church or~~  
29 ~~other nonprofit charitable organization.~~

30 (b) ~~“Guest” means a person to whom hospitality at a home or~~  
31 ~~club has been personally extended. “Guest” does not include a~~  
32 ~~member of the general public invited by means of an offsite flier~~  
33 ~~or banner, newspaper advertisement, Internet, radio, or television~~  
34 ~~announcement.~~

35 113827. “Minor violation” means a violation of this part that  
36 does not pose an imminent health hazard, but does warrant  
37 correction.

38 113831. “Mobile food facility” means any vehicle used in  
39 conjunction with a commissary or other permanent food facility  
40 upon which food is sold or distributed at retail. “Mobile food

1 facility” does not include a “transporter” used to transport  
2 packaged food from a food facility, or other approved source to  
3 the consumer.

4 113833. “Mobile support unit” means a vehicle used in  
5 conjunction with a commissary or other permanent food facility  
6 that travels to and services mobile food facilities as needed to  
7 replenish supplies, including food and potable water, clean the  
8 interior of the unit, or dispose of liquid or solid wastes.

9 113835. “Molluscan shellfish” means any edible species of  
10 fresh or frozen oysters, clams, mussels, and scallops or edible  
11 portions thereof, except when the scallop product consists only of  
12 the shucked adductor muscle.

13 113837. “Multiservice utensil” means a utensil manufactured  
14 and approved for use more than one time.

15 113839. “Nonpermanent food facility” means a food facility  
16 that operates from a mobile unit or at a nonpermanent location,  
17 including, but not limited to, a certified farmers’ market, a  
18 mobile food facility, a mobile support unit, a temporary food  
19 facility, or a vending machine.

20 113841. “Nonprofit charitable organization” means either of  
21 the following:

22 (a) A corporation incorporated pursuant to the Nonprofit  
23 Corporation Law (Division 2 (commencing with Section 5000)  
24 of Title 1 of the Corporations Code), that is exempt from taxation  
25 pursuant to paragraphs (1) to (10), inclusive, and paragraph (19)  
26 of Section 501(c) of the Internal Revenue Code and Section  
27 23701d of the Revenue and Taxation Code.

28 (b) An established club or organization of students that  
29 operates under the authorization of a school or educational  
30 facility.

31 113843. “Open-air barbecue” means a piece of equipment  
32 designed for barbecuing food, where the food is prepared out of  
33 doors by cooking directly over hot coals, heated lava, hot stones,  
34 gas flame, or other method approved by the department, on  
35 equipment suitably designed and maintained for use out of doors,  
36 that is operated by a temporary food facility, or a mobile food  
37 facility that remains fixed during hours of operations at a  
38 community event or a permanent food facility.

39 113846. “Outdoor wood-burning oven” means an oven  
40 located out of doors, that utilizes wood as the primary fuel for



1 cooking and is operated on the same premises as, and in  
2 conjunction with, a permanent food facility.

3 113849. “Permanent food facility” means a food facility  
4 operating in a permanently constructed structure, including any  
5 room, building, place, or portion thereof, maintained, used, or  
6 operated for the purpose of storing, preparing, serving,  
7 manufacturing, packaging, or otherwise handling food at the  
8 retail level.

9 113851. “Permit” means the document issued by the  
10 enforcement agency that authorizes a person to operate a food  
11 facility.

12 113853. “Permitholder” means the entity that is legally  
13 responsible for the operation of the food facility, such as the  
14 owner, the owner’s agent, or other person, and possesses a valid  
15 permit to operate a food facility.

16 113855. “Person” means any individual, firm, partnership,  
17 joint venture, association, limited liability company, corporation,  
18 estate, trust, receiver, syndicate, city, county, or other political  
19 subdivision, or any other group or combination acting as a unit.

20 113856. “Person in charge” means the individual present at a  
21 food facility who is responsible for the operation of the food  
22 facility.

23 113859. (a) “Personal care items” means items or substances  
24 that may be poisonous, toxic, or a source of contamination and  
25 are used to maintain or enhance a person’s health, hygiene, or  
26 appearance.

27 (b) “Personal care items” include items such as medicines,  
28 first aid supplies, cosmetics, and toiletries such as toothpaste and  
29 mouthwash.

30 113861. “pH” means the symbol for the negative logarithm of  
31 the hydrogen ion concentration, which is a measure of the degree  
32 of acidity or alkalinity of a solution. Values between 0 and 7  
33 indicate acidity and values between 7 and 14 indicate alkalinity.  
34 The value for pure distilled water is 7, which is considered  
35 neutral.

36 113863. “Plumbing fixture” means a receptacle or device that  
37 is permanently or temporarily connected to the water distribution  
38 system of the premises and demands a supply of water from the  
39 system or discharges used water, waste materials, or sewage  
40 directly or indirectly to the drainage system of the premises.

1 113865. “Plumbing system” means the water supply and  
2 distribution pipes, plumbing fixtures and traps, soil, waste, and  
3 vent pipes, sanitary and storm sewers and building drains,  
4 including their respective connections, devices, and  
5 appurtenances within the premises, and water-treating  
6 equipment.

7 113867. “Poisonous or toxic materials” means substances that  
8 are not intended for ingestion and are included in one of the  
9 following categories:

10 (a) Cleaners and sanitizers, which include cleaning and  
11 sanitizing agents and agents such as caustics, acids, drying  
12 agents, polishes, and other chemicals.

13 (b) Pesticides except sanitizers, which include substances such  
14 as insecticides and rodenticides.

15 (c) Substances necessary for the operation and maintenance of  
16 the facility, such as nonfood grade lubricants and personal care  
17 items that may be deleterious to health.

18 (d) Substances that are not necessary for the operation and  
19 maintenance of the facility and are on the premises for retail sale,  
20 such as petroleum products and paints.

21 113868. “Portable” means equipment that is capable of being  
22 lifted and moved or has utility connections that are designed to  
23 be disconnected or of sufficient length to permit the unit to be  
24 moved for cleaning, and does not exceed 80 pounds (36kg) in  
25 weight.

26 113869. “Potable water” means water that complies with the  
27 standards for transient noncommunity water systems pursuant to  
28 the California Safe Drinking Water Act (Chapter 4 (commencing  
29 with Section 116270) of Part 12, to the extent permitted by  
30 federal law.

31 113871. (a) “Potentially hazardous food” means a food that  
32 is natural or synthetic and that requires temperature control  
33 because it is in a form capable of supporting the rapid and  
34 progressive growth of infectious or toxigenic micro-organisms,  
35 the growth and toxin production of clostridium botulinum, or, in  
36 raw shell eggs, the growth of salmonella enteritidis.

37 (b) “Potentially hazardous food” includes a food of animal  
38 origin that is raw or heat-treated, a food of plant origin that is  
39 heat-treated or consists of raw seed sprouts, cut melons, and  
40 garlic-in-oil mixtures that are not acidified or otherwise modified

1 at a food processing plant in a way that results in mixtures that do  
2 not support growth as specified under subdivision (a).

3 (c) “Potentially hazardous food” does not include any of the  
4 following:

5 (1) A food with an  $a_w$  value of 0.85 or less.

6 (2) A food with a pH level of 4.6 or below when measured at  
7 75°F.

8 (3) A shell egg that is not hard-boiled but has been treated to  
9 destroy all viable salmonellae.

10 (4) A food in an unopened, hermetically sealed container that  
11 is commercially processed to achieve and maintain commercial  
12 sterility under conditions of nonrefrigerated storage and  
13 distribution.

14 (5) A food that has been shown by appropriate microbial  
15 challenge studies approved by the enforcement agency not to  
16 support the rapid and progressive growth of infectious or  
17 toxigenic micro-organisms that may cause food infections or  
18 food intoxications, or the growth and toxin production of  
19 clostridium botulinum, such as a food that has an  $a_w$  and a pH  
20 that are above the levels specified under paragraphs (1) and (2)  
21 and that may contain a preservative, other barrier to the growth  
22 of micro-organisms, or a combination of barriers that inhibit the  
23 growth of micro-organisms.

24 (6) A food that does not support the rapid and progressive  
25 growth of infectious or toxigenic micro-organisms, even though  
26 the food may contain an infectious or toxigenic micro-organism  
27 or chemical or physical contaminant at a level sufficient to cause  
28 illness.

29 113873. (a) “Poultry” means either of the following:

30 (1) Any domesticated bird, including chickens, turkeys, ducks,  
31 geese, or guineas, whether live or dead, as defined in 9 C.F.R.  
32 381 Poultry Products Inspection Regulations.

33 (2) Any migratory waterfowl, game bird, including a pheasant,  
34 partridge, quail, grouse, or guinea, or pigeon, or squab, whether  
35 live or dead, as defined in 9 C.F.R. 362 Voluntary Poultry  
36 Inspection Program.

37 (b) “Poultry” does not include ratites.

38 113874. “Premises” means:

1 (a) The food facility, its contents, and the contiguous land or  
2 property and its facilities and contents that are under the control  
3 of the permitholder.

4 (b) The food facility, its contents, and the land or property not  
5 described in subdivision (a) if the facility and contents are under  
6 the control of the permitholder and may impact food facility  
7 personnel, facilities, or operations.

8 113876. “Prepackaged food” means any properly labeled  
9 processed food, prepackaged to prevent any direct human contact  
10 with the food product upon distribution from the manufacturer,  
11 and prepared at an approved source.

12 113877. “Produce” means any whole fruit or vegetable in its  
13 raw and natural state.

14 113879. “Produce stand” means a permanent food facility  
15 that sells, offers for sale, or gives away only produce or shell  
16 eggs, or both.

17 113880. “Producer” means a person or entity who produces  
18 shell eggs, fruits, nuts, or vegetables by practice of the  
19 agricultural arts upon land that the person or entity controls.

20 113881. “Ready-to-eat food” means food that is in a form that  
21 is edible without additional preparation to achieve food safety, as  
22 specified in Section 114004 or Section 114008, is a raw or  
23 partially cooked animal food and the consumer is advised as  
24 specified under Section 114093, or may receive additional  
25 preparation for palatability or aesthetic, epicurean, gastronomic,  
26 or culinary purposes. “Ready-to-eat food” includes all of the  
27 following:

28 (a) Raw animal food that is cooked as specified in Section  
29 114004 or 114008.

30 (b) Raw produce that is washed as specified in Section  
31 113992.

32 (c) Produce that is cooked for hot holding as specified in  
33 Section 114010.

34 (d) All potentially hazardous food that is cooked to the  
35 temperature and time required for the specific food under  
36 Sections 114004, 114008, and 114010 and cooled as specified in  
37 Section 114002.

38 (e) Plant food for which further washing, cooking, or other  
39 processing is not required for food safety, and from which rinds,  
40 peels, husks, or shells, if naturally present, are removed.

1 (f) Substances derived from plants, such as spices, seasonings,  
2 and sugar.

3 (g) A bakery item, such as bread, cakes, pies, fillings, or icing,  
4 for which further cooking is not required for food safety.

5 (h) The following products that are produced in accordance  
6 with USDA guidelines and that have received a lethality  
7 treatment for pathogens: dry, fermented sausages, such as dry  
8 salami or pepperoni; salt-cured meat and poultry products, such  
9 as prosciutto ham, country cured ham, and parma ham; and dried  
10 meat and poultry products, such as jerky or beef sticks.

11 (i) Foods manufactured according to 21 C.F.R. Part  
12 113—Thermally Processed Low-Acid Foods Packaged in  
13 Hermetically Sealed Containers.

14 113883. “Reduced oxygen packaging” means the reduction of  
15 the amount of oxygen in a package by mechanically evacuating  
16 the oxygen, displacing the oxygen with another gas or  
17 combination of gases, or otherwise controlling the oxygen  
18 content in a package to a level below that normally found in the  
19 surrounding atmosphere, which is 21 percent oxygen.

20 “Reduced oxygen packaging” includes methods that may be  
21 referred to as altered atmosphere, modified atmosphere,  
22 controlled atmosphere, low oxygen, and vacuum packaging,  
23 including sous vide.

24 113885. “Refrigeration unit” means a mechanical unit that  
25 extracts heat from an area through liquefaction and evaporation  
26 of a fluid by a compressor, flame, or thermoelectric device, and  
27 includes a mechanical thermostatic control device that regulates  
28 refrigerated blown air into an enclosed area at or below the  
29 minimum required food storage temperature of potentially  
30 hazardous foods in conformance with Section 113996.

31 113887. “Refuse” means solid waste not carried by water  
32 through the sewage system.

33 113889. “Remodel” means construction, building, or repair to  
34 the food facility that requires a permit from the local building  
35 authority. For purposes of mobile food facilities, temporary food  
36 facilities, and satellite food service, “remodel” means any  
37 replacement or significant modification of an integral piece of  
38 equipment.

39 113891. “Residential care facility for the elderly” means a  
40 housing arrangement chosen voluntarily by persons 60 years of

1 age or over, or their authorized representative, where varying  
2 levels and intensities of care and supervision, protective  
3 supervision, or personal care are provided, based upon their  
4 varying needs, as determined in order to be admitted and to  
5 remain in the facility. These facilities may include persons under  
6 60 years of age with compatible needs as determined pursuant to  
7 Section 1569.316.

8 113893. (a) “Restricted food service facility” means either of  
9 the following:

10 (1) A food facility of 20 guestrooms or less that provides  
11 overnight transient occupancy accommodations, that serves food  
12 only to its registered guests, that serves only a breakfast or  
13 similar early morning meal and no other meals, and that includes  
14 the price of food in the price of the overnight transient occupancy  
15 accommodation.

16 (2) An agricultural homestay facility that meets all of the  
17 following requirements:

18 (A) Has not more than six guest rooms or accommodates not  
19 more than 15 guests.

20 (B) Provides overnight transient accommodations.

21 (C) Serves food only to its registered guests and serves meals  
22 at any time, and includes the price of food in the price of the  
23 overnight transient occupancy accommodation.

24 (D) Lodging and meals are incidental and not the primary  
25 function of the agricultural homestay facility.

26 (E) The agricultural homestay facility is located on, and is a  
27 part of, a farm, as defined in Section 52262 of the Food and  
28 Agricultural Code, that produces agricultural products as its  
29 primary source of income.

30 (b) Notwithstanding subdivision (a), a restricted food service  
31 facility may serve light foods or snacks presented to the guest for  
32 self-service.

33 (c) The predominant relationship between the occupants of a  
34 restricted food service facility and the owner or operator of the  
35 facility is that of innkeeper and guest. The existence of some  
36 other legal relationships as between some occupants and the  
37 owner or operator shall be immaterial.

38 113894. “Restrict” means to limit the activities of a food  
39 employee so that there is no risk of transmitting a disease that is  
40 transmissible through food and the food employee does not work

1 with exposed food, clean equipment, utensils, linens, and  
2 unwrapped single-use articles.

3 113895. “Retail” means the storing, preparing, serving,  
4 manufacturing, packaging, transporting, salvaging, or otherwise  
5 handling food for dispensing or sale directly to the consumer.

6 113897. “Sanitization” means the application of cumulative  
7 heat or chemicals on cleaned food-contact surfaces that, when  
8 evaluated for efficacy, is sufficient to yield a reduction of five  
9 logs, which is equal to a 99.999- percent reduction, of  
10 representative disease micro-organisms of public health  
11 importance.

12 113899. “Satellite food service” means a remotely located  
13 food service operation that is conducted on the same property as,  
14 in reasonable proximity to, and in conjunction with and by, a  
15 fully enclosed permanent food facility. Satellite food service does  
16 not include remote food service operations located within a fully  
17 enclosed permanent food facility.

18 113901. “Sealed” means free of cracks or other openings that  
19 allow the entry or passage of moisture.

20 113903. “Service animal” means an animal such as a guide  
21 dog, signal dog, or other animal individually trained to provide  
22 assistance to an individual with a disability.

23 113907. “Shellfish certification number” means a unique  
24 combination of letters and numbers assigned by a shellfish  
25 control authority to a molluscan shellfish dealer according to the  
26 provisions of the National Shellfish Sanitation Program.

27 113909. “Shellfish control authority” means a state, federal,  
28 foreign, tribal, or other government entity legally responsible for  
29 administering a program that includes certification of molluscan  
30 shellfish harvesters and dealers for interstate commerce.

31 113911. “Shellstock” means raw, in-shell molluscan shellfish.

32 113912. “Shucked shellfish” means molluscan shellfish that  
33 have one or both shells removed.

34 113914. “Single-use articles” means utensils, tableware,  
35 carry-out utensils, bulk food containers, and other items that are  
36 designed and constructed for one time, one person use, after  
37 which they are intended for discard. Single-use articles include,  
38 but are not limited to, bags, containers, placemats, stirrers,  
39 straws, toothpicks, wrappers, wax paper, butcher paper, plastic  
40 wrap, formed aluminum food containers, jars, plastic tubs or

1 buckets, bread wrappers, pickle barrels, ketchup bottles, and  
2 number 10 cans that do not meet the materials, durability,  
3 strength, and cleanability specifications under Sections 114130,  
4 114130.1, and 114130.3 for utensils.

5 113915. “Slacking” means the process of moderating the  
6 temperature of a food, such as allowing a food to gradually  
7 increase from a temperature of 10°F to 25°F in preparation for  
8 deep-fat frying or to facilitate even heat penetration during the  
9 cooking of previously block-frozen food.

10 113916. “Smooth” means any of the following:

11 (a) A food-contact surface that is free of pits, pinholes, cracks,  
12 crevices, inclusions, rough edges, and other surface  
13 imperfections detectable by visual or tactile inspection.

14 (b) A nonfood-contact equipment surface equal to that of  
15 commercial grade hot-rolled steel free of visible scale.

16 (c) A floor, wall, or ceiling having an even or level surface  
17 with no roughness or projections that render it difficult to clean.

18 113917. “Swap meet” shall have the meaning set forth in  
19 Section 21661 of the Business and Professions Code.

20 113918. “Supervised care facility” means a community care  
21 facility, a residential care facility for the elderly, or a child day  
22 care facility. Supervised care facilities shall include those  
23 facilities where food is prepared for service, sale, or distribution  
24 at retail.

25 113924. “Table-mounted equipment” means equipment that  
26 is not portable and is designed to be mounted off the floor on a  
27 table, counter, or shelf.

28 113926. “Tableware” means eating, drinking, and serving  
29 utensils for table use, including forks, knives, spoons, bowls,  
30 cups, serving dishes, tumblers, and plates.

31 113928. “Temperature measuring device” means a  
32 thermometer, thermocouple, thermistor, or other device that  
33 indicates the temperature of food, air, or water.

34 113930. “Temporary food facility” means a food facility  
35 approved by the enforcement officer that may be readily  
36 disassembled for storage or for transporting, and readily  
37 assembled to its original integrity at a different location, is easily  
38 movable, and operates at a fixed location for the duration of an  
39 approved community event or at a swap meet.



1 113931. “Tight-fitting” means fabricated so that joining  
2 members are in contact along the entire seam with no opening  
3 greater than 1/64th inch (.04 cm).

4 113932. “Transporter” means any vehicle used to transport  
5 food from a manufacturer, distributor, retail food facility, or  
6 other approved source to a retail food facility.

7 113933. “USDA” means the United States Department of  
8 Agriculture.

9 113934. “Utensil” means a food-contact implement or  
10 container used in the storage, preparation, transportation,  
11 dispensing, sale, or service of food, such as kitchenware or  
12 tableware that is multiuse, single-service, or single-use, gloves  
13 used in contact with food, temperature sensing probes of food  
14 temperature measuring devices, and probe-type price or  
15 identification tags used in contact with food.

16 113936. “Variance” means a written document issued by the  
17 department that allows the use of an alternative practice or  
18 procedure based on a determination by the department that the  
19 alternate practice or procedure is equivalent to the existing  
20 requirements, and that a health hazard will not result from the  
21 alternative practice or procedure. A variance may be issued in the  
22 following circumstances:

23 (a) For employee hygiene, as described in subdivision (e) of  
24 Section 113953, and Sections 113953.3 and 113953.4.

25 (b) For protection of food from contamination, as described in  
26 Sections 113984, 113986, 113988, and 113992.

27 (c) For time as a public health control, as described in Section  
28 114000.

29 (d) For cooling time and methods, as described in Sections  
30 114002 and 114002.1.

31 (e) For cooking and reheating temperatures for potentially  
32 hazardous food, as described in Sections 114004, 114008,  
33 114010, and 114016.

34 (f) For use of raw shell eggs in foods that are not thoroughly  
35 cooked, as described in Section 114012.

36 (g) For thawing of frozen food, as described in Section  
37 114020.

38 (h) For receiving temperatures of potentially hazardous foods,  
39 as described in Section 114037.

1 (i) For ~~oxygen-reduced atmosphere~~ *reduced-oxygen* packaging  
2 of potentially hazardous food, as described in Sections 114057  
3 and 114057.1.

4 (j) For sanitization methods for food-contact and  
5 nonfood-contact surfaces, as described in Sections 114099.6,  
6 114109, 114117, 114119, and 114121.

7 (k) For molluscan shellfish life-support system display tanks,  
8 as described in Section 114039.5.

9 (l) For methods of food processing or preservation, as  
10 described in Section 114056.

11 113938. “Vending machine” means a self-service device that,  
12 upon insertion of money or tokens, dispenses food without the  
13 necessity of replenishing the device between each vending  
14 operation and that operates in conjunction with a commissary.  
15 “Vending machine” does not include any device dispensing  
16 exclusively peanuts, nuts, popcorn, gum, or hard candy,  
17 prepackaged candy, cookies, crackers, or similar snacks and  
18 beverages that are not potentially hazardous food, and  
19 prepackaged ice.

20 113939. “Vermin infestation” means the presence of  
21 cockroaches, mice, rats and similar vermin within the food  
22 facility as evidenced by actual live bodies, fresh droppings or  
23 vomitus, urine stains, or gnaw marks, that could result in  
24 contamination to the food, equipment, packaging, or utensils.

25 113940. “Warewashing” means the cleaning and sanitizing of  
26 utensils and food-contact surfaces of equipment.

27 113941. “Warm water” means water that is supplied through  
28 a mixing valve or combination faucet at a temperature of at least  
29 100°F.

### 30 CHAPTER 3. MANAGEMENT AND PERSONNEL

#### 31 Article 1. Supervision

32  
33  
34 113945. The permitholder shall be the person in charge or  
35 shall designate a person in charge and shall ensure that a person  
36 in charge is present at the food facility during all hours of  
37 operation.  
38

39 113945.1. The person in charge shall ensure both of the  
40 following:

1 (a) Except as specified in Section 113984.1, persons  
2 unnecessary to the food facility operation shall not be allowed in  
3 the food preparation, food storage, or warewashing areas.

4 (b) Consumers are notified that clean tableware is to be used  
5 when they return to self-service areas, such as salad bars and  
6 buffets, as specified in Section 114075.

7  
8 Article 2. Employee Knowledge  
9

10 113947. (a) (1) Each food facility shall have an owner or  
11 employee who has successfully passed an approved and  
12 accredited food safety certification examination. For purposes of  
13 this section, multiple contiguous food facilities permitted within  
14 the same site and under the same management, ownership, or  
15 control shall be deemed to be one food facility, notwithstanding  
16 the fact that the food facilities may operate under separate  
17 permits.

18 (2) The Legislature finds and declares that the certification  
19 required by this section may impose hardship on the owners and  
20 operators of smaller food facilities and, therefore, to the extent  
21 that a person who is seeking certification pursuant to this section  
22 requires training in order to successfully pass an approved and  
23 accredited food safety certification examination, this training  
24 shall be designed and provided in as flexible a manner as  
25 possible. To that end, the Legislature further finds and declares  
26 that this training may include, but need not be limited to,  
27 classroom training, home study programs, and computer-assisted  
28 training.

29 (3) For purposes of this section, a food facility is a facility at  
30 which nonprepackaged potentially hazardous foods are prepared,  
31 handled, or served. Those facilities that prepare, handle, or serve  
32 nonprepackaged nonpotentially hazardous foods may choose to  
33 meet the requirements through certification, or may adequately  
34 demonstrate to the enforcement officer the knowledge of the  
35 employees of the food facility of food safety principles as they  
36 relate to the specific food operation.

37 (4) (A) Notwithstanding paragraph (1), this section shall not  
38 require a temporary food facility to have an owner or employee  
39 meet the requirements through full certification, but shall require  
40 adequate demonstration to the enforcement officer the knowledge

1 of food safety principles as they relate to the specific food  
2 operation.

3 (B) Notwithstanding paragraph (1), this section shall not apply  
4 to the premises of a licensed winegrower or brandy manufacturer  
5 utilized for winetastings conducted pursuant to Section 23356.1  
6 of the Business and Professions Code of wine or brandy  
7 produced or bottled by, or produced and prepackaged for, that  
8 licensee when use is limited to winetasting.

9 (b) A food facility that commences operation, changes  
10 ownership, or no longer has a certified owner or employee  
11 pursuant to this section shall have 60 days to comply with  
12 subdivision (a).

13 (c) Notwithstanding subdivision (a), there shall be at least one  
14 food safety certified owner or employee at each food facility. No  
15 certified person at a food facility for purposes of subdivision (a)  
16 may serve at any other food facility as the person required to be  
17 certified pursuant to this section. The certified owner or  
18 employee need not be present at the food facility during all hours  
19 of operation.

20 (d) The responsibilities of a certified owner or employee at a  
21 food facility shall include the safety of food preparation and  
22 service, including ensuring that all employees who handle, or  
23 have responsibility for handling, nonprepackaged foods of any  
24 kind, have sufficient knowledge to ensure the safe preparation or  
25 service of the food, or both. The nature and extent of the  
26 knowledge that each employee is required to have may be  
27 tailored, as appropriate, to the employee's duties related to food  
28 safety issues.

29 (e) The food safety certificate issued pursuant to this section  
30 shall be retained on file at the food facility at all times, and shall  
31 be made available for inspection by the enforcement officer.

32 (f) The issuance date for each original certificate issued  
33 pursuant to this section shall be the date when the individual  
34 successfully completes the examination. A certificate shall expire  
35 five years from the date of original issuance. Any replacement or  
36 duplicate certificate shall have as its expiration date the same  
37 expiration date that was on the original certificate.

38 (g) Certified individuals shall be recertified every five years  
39 by passing an approved and accredited food safety certification  
40 examination.

1 (h) A food safety program that was not in effect prior to  
2 January 1,1999, shall not be enacted, adopted, implemented, or  
3 enforced, unless the program fully conforms with the  
4 requirements of this part.

5 113947.1. The food safety certification examination shall  
6 include, but need not be limited to, all of the following elements  
7 of knowledge:

8 (a) Foodborne illness, including terms associated with  
9 foodborne illness, micro-organisms, hepatitis A, and toxins that  
10 can contaminate food and the illness that can be associated with  
11 contamination, definition and recognition of potentially  
12 hazardous foods, chemical, biological, and physical  
13 contamination of food, and the illnesses that can be associated  
14 with food contamination, and major contributing factors for  
15 foodborne illness.

16 (b) The relationship between time and temperature with  
17 respect to foodborne illness, including the relationship between  
18 time and temperature and micro-organisms during the various  
19 food handling, preparation, and serving states, and the type,  
20 calibration, and use of thermometers in monitoring food  
21 temperatures.

22 (c) The relationship between personal hygiene and food safety,  
23 including the association of hand contact, personal habits and  
24 behaviors, and food employee health to foodborne illness, and  
25 the recognition of how policies, procedures, and management  
26 contribute to improved food safety practices.

27 (d) Methods of preventing food contamination in all stages of  
28 food handling, including terms associated with contamination  
29 and potential hazards prior to, during, and after delivery.

30 (e) Procedures for cleaning and sanitizing equipment and  
31 utensils.

32 (f) Problems and potential solutions associated with facility  
33 and equipment design, layout, and construction.

34 (g) Problems and potential solutions associated with  
35 temperature control, preventing cross-contamination,  
36 housekeeping, and maintenance.

37 113947.2. (a) Food safety certification shall be achieved by  
38 successfully passing an examination from an accredited food  
39 protection manager certification organization. The certification  
40 organization must be accredited by the American National

Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs." Those food employees who successfully pass an approved certification examination shall be issued a certificate by the certifying organization, which shall be valid for a period of five years from the date of issuance.

(b) (1) Within 12 months after the effective date of this part, the department, in consultation with the California Conference of Directors of Environmental Health, representatives of the retail food industry, and other interested parties, shall develop and implement a program for the purposes of demonstrating adequate knowledge for operators of temporary food facilities.

(2) At least one of the accredited statewide food safety certification examinations shall cost no more than sixty dollars (\$60), including the certificate. However, the department may adjust the cost of food safety certification examinations to reflect actual expenses incurred in producing and administering the food safety certification examinations required under this section. If a food safety certification examination is not available at the price established by the department, the certification and recertification requirements relative to food safety certification examinations imposed by this section shall not apply.

113947.3. Except as provided in Section 113947.4, no city, county, or city and county may enact, adopt, implement, or enforce any requirement that any food facility or any person certified pursuant to this section do any of the following:

(a) Obtain any food safety certificate or other document in addition to the certificate required by Section 113947.

(b) Post, place, maintain, or keep the certificate other than as specified in subdivision (e) of Section 113947.

(c) Pay any fee or other sum as a condition for having a certificate verified, validated, or otherwise processed by the city, county, or city and county.

113947.4. Certification conferred pursuant to this part shall be recognized throughout the state. Nothing in this part shall be construed to prohibit any enforcement agency from implementing or enforcing a food handler program that took effect prior to January 1, 1998, but only in the form in which the program existed prior to January 1, 1998.

1 113947.5. Notwithstanding Section 114395, a violation of  
2 any provision in Sections 113947 to 113947.4, inclusive, shall  
3 constitute an infraction punishable by a fine of not more than one  
4 hundred dollars (\$100) for each day of operation in violation.

5  
6 Article 3. Employee Health  
7

8 113949. The permitholder shall require food employee  
9 applicants to whom a conditional offer of employment is made  
10 and food employees to report to the person in charge, information  
11 about their health and health status as they relate to diseases  
12 transmissible through food. A food employee or applicant shall  
13 report information, including the date of onset of jaundice or of  
14 an illness specified under subdivision (c), regarding any of the  
15 following in a manner that allows the person in charge to prevent  
16 foodborne disease transmission:

17 (a) Diagnosis by a licensed medical practitioner of an illness  
18 due to any of the following:

- 19 (1) Salmonella Typhi.  
20 (2) Salmonella spp.  
21 (3) Shigella spp.  
22 (4) Entamoeba histolytica.  
23 (5) Shiga toxin-producing Escherichia coli.  
24 (6) Hepatitis A virus.  
25 (7) Norovirus.

26 (b) Has either of the following conditions:

27 (1) A symptom caused by illness, infection, or other source  
28 that could be transmitted by food, including, but not limited to,  
29 the following:

- 30 (A) Diarrhea.  
31 (B) Fever with abdominal cramps.  
32 (C) Vomiting.  
33 (D) Jaundice.  
34 (E) Sore throat with fever.

35 (2) A lesion containing pus, such as a boil or infected wound  
36 that is open or draining and is one of the following:

37 (A) On the hands or wrists, unless an impermeable cover, such  
38 as a finger cot or stall, protects the lesion and a single-use glove  
39 is worn over the impermeable cover.

1 (B) On exposed portions of the arms, unless the lesion is  
2 protected by an impermeable cover.

3 (C) On other parts of the body, unless the lesion is covered by  
4 a dry, durable, tight-fitting bandage.

5 (c) Had a past illness diagnosed by a licensed medical  
6 practitioner from any of the following:

7 (1) Salmonella Typhi at any time.

8 (2) Salmonella spp. within the past month.

9 (3) Shigella spp. within the past month.

10 (4) Entamoeba histolytica at any time.

11 (5) Shiga toxin-producing Escherichia coli, within the past  
12 month.

13 (6) Hepatitis A virus within the past two weeks.

14 (7) Norovirus within the past two weeks.

15 113949.1. The person in charge may inquire from the  
16 applicant or employee whether he or she is subject to one or  
17 more of the following high-risk conditions:

18 (a) Is suspected of causing, or being exposed to, a confirmed  
19 disease outbreak caused by Salmonella spp., Shigella spp.,  
20 Entamoeba histolytica, Shiga toxin-producing Escherichia coli,  
21 hepatitis A virus, or norovirus, including an outbreak at an event  
22 such as a family meal, church supper, or festival because the food  
23 employee or applicant did any of the following:

24 (1) Prepared food implicated in the outbreak.

25 (2) Consumed food implicated in the outbreak.

26 (3) Consumed food at the event prepared by a person who is  
27 infected or ill with the infectious agent that caused the outbreak  
28 or who is suspected of being a shedder of the infectious agent.

29 (b) Lives in the same household as, and has knowledge about,  
30 a person who is diagnosed with a disease caused by Salmonella  
31 Typhi, Salmonella spp., Entamoeba histolytica, Shigella spp.,  
32 Shiga toxin-producing Escherichia coli, hepatitis A virus, or  
33 norovirus.

34 (c) Lives in the same household as, and has knowledge about,  
35 a person who attends or works in a setting where there is a  
36 confirmed disease outbreak caused by Salmonella Typhi,  
37 Salmonella spp., Shigella spp., Entamoeba histolytica, Shiga  
38 toxin-producing Escherichia coli, hepatitis A virus, or norovirus.

39 113950. The person in charge shall do all of the following:



1 (a) Exclude a food employee from a food establishment if the  
2 food employee is diagnosed with an infectious agent specified in  
3 subdivision (a) of Section 113949 and the employee is  
4 symptomatic.

5 (b) Except as provided in subdivision (f), restrict a food  
6 employee if the food employee is diagnosed with an infectious  
7 agent specified in subdivision (a) of Section 113949 and the food  
8 employee is not experiencing symptoms specified in subdivision  
9 (b) of Section 113949, but is still culture positive for organisms  
10 specified in subdivision (a) of Section 113949.

11 (c) Except as provided in subdivision (f), restrict for 48 hours  
12 a food employee who is diagnosed with an infectious agent  
13 specified under subdivision (a) of Section 113949 if the food  
14 employee has just recovered from symptoms and is no longer  
15 culture positive for the organisms specified in subdivision (a) of  
16 Section 113949.

17 (d) Exclude a food employee from a food facility if the food  
18 employee has symptoms specified in subdivision (b) of Section  
19 113949.

20 (e) Except as noted in subdivision (f), restrict for 48 hours a  
21 food employee who has just recovered from symptoms as  
22 specified in subdivision (b) of Section 113949.

23 (f) Exclude a jaundiced food employee from the food facility  
24 if the onset of jaundice occurred within the last seven calendar  
25 days, or restrict the food employee if the onset of jaundice  
26 occurred more than seven calendar days ago.

27 113950.5. (a) The person in charge may remove an exclusion  
28 for an employee diagnosed with an infectious agent specified in  
29 subdivision (a) of Section 113949 if the excluded employee is no  
30 longer symptomatic and notifies the enforcement agency and  
31 public health officer or the local health department, and the  
32 excluded employee provides to the person in charge written  
33 medical documentation from the health officer, that specifies that  
34 the excluded person may work as a food employee because he or  
35 she has been asymptomatic for 48 hours and culture negative, or  
36 as a restricted employee because he or she is asymptomatic but  
37 culture positive.

38 (b) The person in charge may remove a restriction for a food  
39 employee diagnosed with an infectious agent specified in  
40 subdivision (a) of Section 113949 if the restricted employee has

1 been asymptomatic for at least 48 hours and the food employee  
2 provides written medical documentation from the health officer  
3 that stools are free of the infectious agent responsible for the  
4 restriction of the employee.

5 (c) The person in charge may remove an exclusion for a food  
6 employee who had symptoms specified in subdivision (b) of  
7 Section 113949, but is no longer symptomatic, or if the excluded  
8 person provides written medical documentation from a physician  
9 licensed to practice medicine that specifies that the person is free  
10 of infections transmissible by food or that the symptoms  
11 experienced resulted from a chronic noninfectious condition,  
12 such as Crohn's disease, irritable bowel syndrome, or ulcerative  
13 colitis.

14 (d) The person in charge may remove a restriction for an  
15 employee who had symptoms specified in subdivision (b) of  
16 Section 113949, but not diagnosed with a specific infection if the  
17 restricted person is free of the symptoms specified for 48 hours.

18 113950.7. A food employee or a person who applies for a job  
19 as a food employee shall do both of the following:

20 (a) In a manner specified under Section 113949, report to the  
21 person in charge the information specified in Sections 113949  
22 and 113949.1.

23 (b) Comply with exclusions and restrictions that are specified  
24 in Section 113950.

25 113950.9. (a) The person in charge shall notify the local  
26 health officer that a food employee is diagnosed with an illness  
27 due to *Salmonella* spp., *Shigella* spp., *Entamoeba histolytica*,  
28 Shiga toxin-producing *Escherichia coli*, hepatitis A virus, or  
29 norovirus.

30 (b) The person in charge shall notify the local health officer  
31 when two or more food employees are concurrently experiencing  
32 one or more of the symptoms specified in paragraph (1) of  
33 subdivision (b) of Section 113949.

34 113950.10. If a local health officer diagnoses or is notified of  
35 an applicant or employee with an infectious disease described in  
36 subdivision (a) or (c) of Section 113949, the health officer shall  
37 inform the local enforcement agency.

38 113950.12. When information as to the possibility of disease  
39 transmission is presented to an enforcement officer, he or she  
40 shall investigate conditions and take appropriate action. The

1 enforcement officer may, after investigation and for reasonable  
2 cause, require any or all of the following measures to be taken:

3 (a) Immediately exclude any employee from the affected food  
4 facility.

5 (b) Immediately close the food facility until, in the opinion of  
6 the enforcement officer, no further danger of disease outbreak  
7 exists. Any appeal of the closure shall be made in writing within  
8 five days to the applicable enforcement agency.

9 (c) Require a medical examination of any employee, with any  
10 laboratory examination that may be indicated. If a medical  
11 examination is refused by an employee, the enforcement officer  
12 may require the immediate exclusion of the refusing employee  
13 from that or any other food facility until an acceptable medical or  
14 laboratory examination shows that the employee is not affected  
15 with a disease in a communicable form.

16 113951. Food employees experiencing persistent sneezing,  
17 coughing, or a runny nose that causes discharges from the eyes,  
18 nose, or mouth shall not work with exposed food, clean  
19 equipment, utensils, and linens, or unwrapped single-use articles.

#### 20 21 Article 4. Handwashing 22

23 113952. Food employees shall keep their hands and exposed  
24 portions of their arms clean.

25 113953. (a) Handwashing facilities shall be provided within  
26 or adjacent to toilet rooms. The number of handwashing facilities  
27 required shall be in accordance with local building and plumbing  
28 codes.

29 (b) (1) Except as otherwise provided in Section 114358, food  
30 facilities constructed or extensively remodeled after January 1,  
31 1996, that handle nonprepackaged food, shall provide facilities  
32 exclusively for handwashing in food preparation areas and in  
33 warewashing areas that are not located within or immediately  
34 adjacent to food preparation areas. Handwashing facilities shall  
35 be sufficient in number and conveniently located so as to be  
36 accessible at all times for use by food employees.

37 (2) The handwashing facility shall be separated from the  
38 warewashing sink by a metal splashguard with a height of at least  
39 6 inches, that extends from the back edge of the drainboard to the  
40 front edge of the drainboard, the corners of the barrier to be

1 rounded. No splashguard is required if the distance between the  
2 handwashing sink and the warewashing sink drainboards is 24  
3 inches or more.

4 (c) Handwashing facilities shall be equipped to provide warm  
5 water under pressure for a minimum of 15 seconds through a  
6 mixing valve or combination faucet.

7 (d) An automatic handwashing facility may be installed and  
8 used in accordance with the manufacturer's instructions.

9 (e) Notwithstanding subdivision (b), the enforcement agency  
10 may allow handwashing facilities other than those required by  
11 this section when it deems that the alternate facilities are  
12 adequate.

13 113953.1. (a) A handwashing facility shall be clean,  
14 unobstructed, and accessible at all times for employee use.

15 (b) A handwashing facility shall not be used for purposes other  
16 than handwashing.

17 (c) Employees shall not clean their hands in a sink used for  
18 food preparation, warewashing, or in a service sink or a curbed  
19 cleaning facility used for the disposal of mop water and similar  
20 liquid waste.

21 (d) Notwithstanding subdivision (c), a warewashing sink may  
22 be used for handwashing as specified in Section 114125.

23 113953.2. A handwashing facility shall be provided with the  
24 following in dispensers at, or adjacent to, each handwashing  
25 facility:

26 (a) Handwashing cleanser.

27 (b) Sanitary single-use towels or a heated-air hand drying  
28 device.

29 113953.3. (a) Except as specified in subdivision (b), all  
30 employees shall thoroughly wash their hands and that portion, if  
31 any, of their arms exposed to direct food contact with cleanser  
32 and warm water by vigorously rubbing together the surfaces of  
33 their lathered hands and arms for at least 10 to 15 seconds and  
34 thoroughly rinsing with clean running water followed by drying  
35 of cleaned hands and that portion, if any, of their arms exposed.  
36 Employees shall pay particular attention to the areas underneath  
37 the fingernails and between the fingers. Employees shall wash  
38 their hands in all of the following instances:

39 (1) Immediately before engaging in food preparation,  
40 including working with nonprepackaged food, clean equipment

1 and utensils, and unwrapped single-use food containers and  
2 utensils.

3 (2) After touching bare human body parts other than clean  
4 hands and clean, exposed portions of arms.

5 (3) After using the toilet room.

6 (4) After caring for or handling any animal allowed in a food  
7 facility pursuant to this part.

8 (5) After coughing, sneezing, using a handkerchief or  
9 disposable tissue, using tobacco, eating, or drinking.

10 (6) After handling soiled equipment or utensils.

11 (7) During food preparation, as often as necessary to remove  
12 soil and contamination and to prevent cross-contamination when  
13 changing tasks.

14 (8) When switching between working with raw food and  
15 working with ready-to-eat food.

16 (9) Before donning gloves for working with food.

17 (10) Before dispensing or serving food or handling clean  
18 tableware and serving utensils in the food service area.

19 (11) After engaging in other activities that contaminate the  
20 hands.

21 (b) If approved and capable of removing the types of soils  
22 encountered in the food operations involved, an automatic  
23 handwashing facility may be used by food employees to clean  
24 their hands.

25 113953.4. (a) Approved hand sanitizer shall be applied only  
26 to hands that are cleaned as specified under Section 113953.3.

27 (b) A hand sanitizer and a chemical hand sanitizing solution  
28 used as a hand dip shall comply with both of the following:

29 (1) Either be an approved drug that is listed in the FDA  
30 publication approved drug products with therapeutic equivalence  
31 evaluations as an approved drug based on safety and  
32 effectiveness, or have active antimicrobial ingredients that are  
33 listed in the FDA monograph for OTC Health-Care Antiseptic  
34 Drug Products as an antiseptic handwash.

35 (2) Consist of components that ~~are~~ meet all of the following  
36 criteria:

37 (A) Listed for such use in contact with food in 21 C.F.R.  
38 178—Indirect Food Additives: Adjuvants, Production Aids, and  
39 Sanitizers.

1 (B) Exempt from regulation as food additives under 21 C.F.R.  
2 170.39—Threshold of Regulation for Substances Used in  
3 Food-Contact Articles.

4 (C) Generally recognized as safe (GRAS) for the intended use  
5 in contact with food within the meaning of the Federal Food,  
6 Drug and Cosmetic Act (FFDCA).

7 (D) Permitted for such use by an effective Food Contact  
8 Substance Notification as prescribed by Section 409(h) of the  
9 FFDCA (21 U.S.C. Sec. 348(h)) and listed in FDA's Inventory of  
10 Effective Premarket Notifications for Food Contact Substances.

11 (c) If a hand sanitizer or a chemical hand sanitizing solution  
12 used as a hand dip does not meet the criteria specified under  
13 subparagraph (A) of paragraph (2) of subdivision (b), use shall be  
14 followed by thorough hand rinsing in clean running water before  
15 hand contact with food or by the use of gloves and limited to  
16 situations that involve no direct contact with food and bare  
17 hands.

18 (d) A chemical hand sanitizing solution used as a hand dip  
19 shall be maintained clean and at a strength equivalent to at least  
20 100 mg/L chlorine.

21 113953.5. (a) Except as specified in subdivision (b), a sign or  
22 poster that notifies food employees to wash their hands shall be  
23 posted at all handwashing lavatories used by food employees,  
24 and shall be clearly visible to food employees.

25 (b) This section does not apply to toilet rooms in guestrooms  
26 of restricted food service facilities.

27 113955. (a) Food employees shall keep their fingernails  
28 trimmed, filed, and maintained so the edges and surfaces are  
29 cleanable and not rough.

30 (b) Unless wearing intact gloves in good repair, a food  
31 employee may not wear fingernail polish or artificial fingernails  
32 when working with nonprepackaged food.

33 113957. (a) Gloves shall be worn when contacting food and  
34 food-contact surfaces if the employee has any cuts, sores, rashes,  
35 artificial nails, nail polish, rings (other than a plain ring, such as  
36 a wedding band), uncleanable orthopedic support devices, or  
37 fingernails that are not clean, smooth, or neatly trimmed.

38 (b) Whenever gloves are worn, they shall be changed,  
39 replaced, or washed as often as handwashing is required by this  
40 part.

1 (c) If used, single-use gloves shall be used for only one task,  
2 such as working with ready-to-eat food or with raw animal food,  
3 used for no other purpose, and shall be discarded when damaged  
4 or soiled, or when interruptions in the food handling occur.

5 (d) Except as specified in subdivision (e), slash-resistant  
6 gloves that are used to protect the hands during operations  
7 requiring cutting shall be used only with food that is  
8 subsequently cooked as specified in Section 114004, such as  
9 frozen food or a primal cut of meat.

10 (e) Slash-resistant gloves may be used with ready-to-eat food  
11 that will not be subsequently cooked if the slash-resistant gloves  
12 have a smooth, durable, and nonabsorbent outer surface or if the  
13 slash-resistant gloves are covered with a smooth, durable,  
14 nonabsorbent glove, or a single-use glove.

15 (f) Cloth gloves may not be used in direct contact with food  
16 unless the food is subsequently cooked.

17 113961. (a) Food employees shall minimize bare hand and  
18 arm contact with nonprepackaged food that is in a ready-to-eat  
19 form.

20 (b) Food employees shall use utensils, including scoops, forks,  
21 tongs, paper wrappers, gloves, or other implements, to assemble  
22 ready-to-eat food or to place ready-to-eat food on tableware or in  
23 other containers. However, ~~employees food~~ *food employees* may  
24 assemble or place on tableware or in other containers  
25 ready-to-eat food in an approved food preparation area without  
26 using utensils if hands are cleaned in accordance with Section  
27 113953.3.

28 (c) Food that has been served to the customer and then  
29 wrapped or prepackaged at the direction of the customer shall be  
30 handled only with utensils. These utensils shall be properly  
31 sanitized before reuse.

## 32 Article 5. Personal Cleanliness

33  
34 113967. No employee shall commit any act that may result in  
35 the contamination or adulteration of food, food-contact surfaces,  
36 or utensils.

37  
38 113969. (a) Except as specified in subdivision (b), all  
39 employees preparing, serving, or handling food or utensils shall  
40 wear hair restraints such as hats, hair coverings, or nets that are

1 designed and worn to effectively keep their hair from contacting  
2 nonprepackaged food, clean equipment, utensils, linens, and  
3 unwrapped single-use articles.

4 (b) This section does not apply to food employees, such as  
5 counter staff who only serve beverages and wrapped or  
6 prepackaged foods, hostesses, and wait staff, if they present a  
7 minimal risk of contaminating nonprepackaged food, clean  
8 equipment, utensils, linens, and unwrapped single-use articles.

9 113971. Food employees shall wear clean outer clothing to  
10 prevent contamination of food, equipment, utensils, linens, and  
11 single-use articles.

#### 12 Article 6. Hygienic Practices

13  
14  
15 113973. A food employee may not use a utensil more than  
16 once to taste food that is to be sold or served.

17 113975. (a) Except as specified in subdivision (b), an  
18 employee shall eat, drink, or use any form of tobacco only in  
19 designated areas where no contamination of nonprepackaged  
20 food, clean equipment, utensils, linens, unwrapped single-use  
21 articles, or other items needing protection can result.

22 (b) A food employee may drink from a closed beverage  
23 container if the container is handled to prevent contamination of  
24 the employee's hands, the container, ~~nonprepacked~~  
25 *nonprepackaged* food, or food-contact surfaces.

26 113977. Food facilities shall have a "no smoking" sign posted  
27 in the food preparation, food storage, and warewashing areas.

### 28 CHAPTER 4. GENERAL FOOD SAFETY REQUIREMENTS

#### 29 Article 1. Protection from Contamination

30  
31  
32  
33 113980. All food shall be manufactured, produced, prepared,  
34 compounded, packed, stored, transported, kept for sale, and  
35 served so as to be pure and free from adulteration and spoilage;  
36 shall have been obtained from approved sources; shall be  
37 protected from dirt, vermin, unnecessary handling, droplet  
38 contamination, overhead leakage, or other contamination; shall  
39 otherwise be fully fit for human consumption; and shall conform



1 to the applicable provisions of the Sherman Food, Drug, and  
2 Cosmetic Law (Part 5 (commencing with Section 109875)).

3 113982. (a) Food shall be transported in a manner that meets  
4 the following requirements:

5 (1) The interior floor, sides, and top of the food holding area  
6 shall be constructed of a smooth, washable, impervious material  
7 capable of withstanding frequent cleaning.

8 (2) The food holding area shall be constructed and operated so  
9 that no liquid wastes can drain onto any street, sidewalk, or  
10 premises.

11 (3) For potentially hazardous food, approved methods shall be  
12 provided to maintain food at the required holding temperatures.

13 (4) Food, utensils, and supplies shall be protected from  
14 contamination.

15 (b) This section shall not apply to the transportation of  
16 prepackaged nonpotentially hazardous foods.

17 113984. (a) Food preparation counter space shall be provided  
18 commensurate with the food operation.

19 (b) During preparation, unpackaged food shall be protected  
20 from environmental sources of contamination.

21 (c) Except as specified in subdivision (d), food preparation  
22 shall be conducted within a fully enclosed food facility.

23 (d) Limited food preparation may be conducted within a food  
24 compartment or as approved by the enforcement agency. All  
25 food shall be thawed, washed, sliced, and cooled within an  
26 approved fully enclosed food facility.

27 (e) Food shall be prepared with suitable utensils and on  
28 surfaces that, prior to use, have been cleaned, rinsed, and  
29 sanitized as specified in Section 114117 to prevent  
30 cross-contamination.

31 (f) Overhead protection shall be provided above all food  
32 preparation, food display, and food storage areas.

33 113984.1. Customer access to a food facility through the food  
34 preparation area is permissible, at the discretion of the  
35 permitholder, if ready-to-eat foods are prepared in approved  
36 areas separated from sources of contamination by a space of at  
37 least three feet from the consumer and in areas that are separate  
38 from raw or undercooked foods. The route of access shall be  
39 separated from the required space by a rail or wall at least three  
40 feet high or otherwise clearly delineated.

1 113986. (a) Food shall be protected from  
2 cross-contamination by meeting all of the following  
3 requirements:

4 (1) Separating raw animal food during transportation, storage,  
5 preparation, holding, and display from raw ready-to-eat food,  
6 including other raw animal food such as fish for sushi or  
7 molluscan shellfish, or other raw ready-to-eat food such as  
8 produce, and cooked ready-to-eat food.

9 (2) Except when combined as ingredients, separating types of  
10 raw animal foods from each other during transportation, storage,  
11 preparation, holding, and display in the following ways:

12 (A) Using separate equipment for each type.

13 (B) Arranging each type of food in equipment so that  
14 cross-contamination of one type with another is prevented.

15 (C) Preparing each type of food at different times or in  
16 separate areas.

17 (D) Except as specified in subdivision (b) of this section,  
18 storing the food in packages, covered containers, or wrappings.

19 (E) Cleaning hermetically sealed containers of food of visible  
20 soil before opening.

21 (F) Protecting food containers that are received packaged  
22 together in a case or overwrap from cuts when the case or  
23 overwrap is opened.

24 (G) Storing damaged, spoiled, or recalled food being held in  
25 the food establishment as specified in Section 114055.

26 (H) Separating fruits and vegetables before they are washed,  
27 as specified in Section 113992, from ready-to-eat food.

28 (b) Subparagraph (D) of paragraph (2) of subdivision (a) of  
29 this section shall not apply to any of the following:

30 (1) Whole, uncut, raw fruits and vegetables and nuts in the  
31 shell that require peeling or hulling before consumption.

32 (2) Primal cuts, quarters, or sides of raw meat or slab bacon  
33 that are hung on clean, sanitized hooks or placed on clean,  
34 sanitized racks.

35 (3) Whole, uncut, processed meats, such as country hams, and  
36 smoked or cured sausages that are placed on clean, sanitized  
37 racks.

38 (4) Food being cooled as specified in paragraph (2) of  
39 subdivision (a) of Section 114002.1.

40 (5) Shellstock.

1 113988. (a) Food shall be protected from contamination that  
2 may result from the addition of unsafe or unapproved food or  
3 color additives or unsafe or unapproved levels of approved food  
4 and color additives.

5 (b) A food employee may not apply sulfating agents to fresh  
6 fruits and vegetables intended for raw consumption, or to any  
7 potentially hazardous food.

8 113990. Ice that has been used as a medium for cooling the  
9 exterior surfaces of food such as melons or fish, prepackaged  
10 foods such as canned beverages, or cooling coils and tubes of  
11 equipment, shall not be used as food.

12 113992. (a) Produce shall be thoroughly washed in potable  
13 water to remove soil and other contaminants before being cut,  
14 combined with other ingredients, cooked, served, or offered for  
15 human consumption in ready-to-eat form, except as specified in  
16 subdivision (b) and except when intended for washing by the  
17 consumer before consumption.

18 (b) Chemicals used to wash or peel produce shall meet the  
19 requirements specified in 21 C.F.R. 173.315.

20  
21 Article 2. Time and Temperature Relationships  
22

23 113996. (a) Except during diligent preparation cooking,  
24 cooling, transportation to or from a retail food facility for a  
25 period of less than 30 minutes, or when time is used as the public  
26 health control as specified under Section 114000, or as otherwise  
27 provided in this section, potentially hazardous food shall be  
28 maintained at or above 135°F, or below 41°F.

29 (b) Roasts cooked to a temperature and for a time specified in  
30 subdivision (b) of Section 114004 may be held at a temperature  
31 of 130°F.

32 (c) The following foods may be held at or below 45°F:

- 33 (1) Raw shell eggs.  
34 (2) Unshucked live molluscan shellfish.  
35 (3) Pasteurized milk and pasteurized milk products in original,  
36 sealed containers.  
37 (4) Potentially hazardous foods held for dispensing in serving  
38 lines and salad bars during periods not to exceed 12 hours in any  
39 24-hour period or held in vending machines. For purposes of this

1 subdivision, a display case shall not be deemed to be a serving  
2 line.

3 (5) Potentially hazardous foods held for sampling at a certified  
4 farmers' market.

5 (6) Potentially hazardous foods held during transportation.

6 113998. If it is necessary to remove potentially hazardous  
7 food from the specified holding temperatures to facilitate  
8 preparation, this preparation shall be diligent, and in no case shall  
9 the period of an ambient-temperature preparation step exceed  
10 two cumulative hours without a return to the specified holding  
11 temperatures.

12 114000. (a) Except as specified in subdivision (b), if time  
13 only, rather than time in conjunction with temperature, is used as  
14 the public health control for a working supply of potentially  
15 hazardous food before cooking or for ready-to-eat potentially  
16 hazardous food that is displayed or held for service for  
17 immediate consumption, the following shall occur:

18 (1) The food shall be marked or otherwise identified to  
19 indicate the time that is four hours past the point in time when the  
20 food is removed from temperature control.

21 (2) The food shall be cooked and served, served if  
22 ready-to-eat, or discarded within four hours from the point in  
23 time when the food is removed from temperature control.

24 (3) The food in unmarked containers or packages or marked to  
25 exceed a four-hour limit shall be discarded.

26 (4) Written procedures shall be maintained in the food facility  
27 and made available to the enforcement agency upon request, that  
28 ensure compliance with Section 114002, for food that is  
29 prepared, cooked, and refrigerated before time is used as a public  
30 health control.

31 (b) In a food facility that serves a highly susceptible  
32 population, time only, rather than time in conjunction with  
33 temperature, may not be used as the public health control for raw  
34 eggs.

35 114002. (a) Whenever food has been prepared or heated so  
36 that it becomes potentially hazardous, it shall be rapidly cooled if  
37 not held at or above 135°F.

38 (b) After heating or hot holding, potentially hazardous food  
39 shall be cooled rapidly from 135°F to 70°F within two hours and  
40 from 70°F to 41°F or below within four hours.

1 (c) Potentially hazardous food shall be cooled within four  
2 hours to 41°F or less if prepared from ingredients at ambient  
3 temperature, such as reconstituted foods and canned tuna.

4 (d) Except as specified in subdivision (e), a potentially  
5 hazardous food received in compliance with laws allowing a  
6 temperature above 41°F during shipment from the supplier as  
7 specified in Section 114037, shall be cooled within four hours to  
8 41°F or less.

9 (e) Shell eggs need not comply with subdivision (c) or (d) if  
10 the eggs are placed immediately upon their receipt in refrigerated  
11 equipment that maintains an ambient temperature of 45°F or less.

12 114002.1. (a) The rapid cooling of potentially hazardous  
13 foods shall be accomplished in accordance with the time and  
14 temperature criteria specified in Section 114002 by using one or  
15 more of the following methods based on the type of food being  
16 cooled:

- 17 (1) Placing the food in shallow pans.
- 18 (2) Separating the food into smaller or thinner portions.
- 19 (3) Using rapid cooling equipment.
- 20 (4) Using containers that facilitate heat transfer.
- 21 (5) Adding ice as an ingredient.
- 22 (6) Using ice paddles.
- 23 (7) Inserting appropriately designed containers in an ice bath  
24 and stirring frequently.

25 (8) In accordance with ~~a~~ *an* HACCP plan adopted pursuant to  
26 this part.

27 (9) Utilizing other effective means that have been approved by  
28 the enforcement agency.

29 (b) When placed in cooling or cold holding equipment, food  
30 containers in which food is being cooled shall be arranged in the  
31 equipment to provide maximum heat transfer through the  
32 container walls, loosely covered, or uncovered if protected from  
33 overhead contamination during the cooling period to facilitate  
34 heat transfer from the surface of the food, and stirred as  
35 necessary to evenly cool a liquid or a semi-liquid food.

36 114004. (a) Except as specified in subdivision (c), all  
37 ready-to-eat foods prepared at a food facility from raw or  
38 incompletely cooked animal tissue shall be cooked to heat all  
39 parts of the food to a temperature and for a time that complies  
40 with the following:

(1) The following shall be heated to a minimum internal temperature of 145°F or above for 15 seconds:

(A) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.

(B) Fish.

(C) Single pieces of meat, including beef, veal, lamb, pork, and game animals from approved sources.

(2) The following shall be heated to a minimum internal temperature of 155°F for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for ratites and injected meats, comminuted meat or any food containing comminuted meat, or raw eggs and foods containing raw eggs that are not prepared as specified in paragraph (1):-

| Minimum         |                           |
|-----------------|---------------------------|
| Temperture (°F) | Time                      |
| 145             | 3 minutes                 |
| 150             | 1 minute                  |
| 158             | < 1second (instantaneous) |

(3) The following shall be heated to a minimum internal temperature of 165°F for 15 seconds:

(A) Poultry.

(B) Comminuted poultry.

(C) Stuffed fish, stuffed meat, stuffed poultry, stuffed ratites, stuffed pasta.

(D) Stuffing containing fish, meat, poultry, or ratites.

(b) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, such as ham, shall be cooked as specified in both of the following:

(1) In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:-

| Oven Type      | Oven Temperture Based on Roast Weight |                |
|----------------|---------------------------------------|----------------|
|                | Less than 10 lbs                      | 10 lbs or more |
| Still Dry      | 350°F or more                         | 250°F or more  |
| Convection     | 325°F or more                         | 250°F or more  |
| High Humidity* | 250°F or less                         | 250°F or less  |

\*Relative humidity greater than 90% for at least 1 hour measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

(2) As specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature-:

| Temperature (°F) | Time* in Minutes | Temperature (°F) | Time* in Seconds |
|------------------|------------------|------------------|------------------|
| 130              | 112              | 147              | 134              |
| 131              | 89               | 149              | 85               |
| 133              | 56               | 151              | 54               |
| 135              | 36               | 153              | 34               |
| 136              | 28               | 155              | 22               |
| 138              | 18               | 157              | 14               |
| 140              | 12               | 158              | 0                |
| 142              | 8                |                  |                  |
| 144              | 5                |                  |                  |
| 145              | 4                |                  |                  |

\* Holding time may include postoven heat rise.

(c) The department shall authorize alternative time and temperature minimum heating requirements to thoroughly cook the foods identified in this section when the food facility or person demonstrates to the department that the alternative heating requirements provide an equivalent level of food safety.

114008. Raw animal foods cooked in a microwave oven shall meet all of the following requirements:

(a) Be rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat.

(b) Be covered to retain surface moisture.

(c) Be heated to a temperature of at least 165°F in all parts of the food.

(d) Stand covered for at least two minutes after cooking to obtain temperature equilibrium.

114010. Fruits and vegetables that are cooked for hot holding shall be cooked to a minimum temperature of 135°F.

114012. Except as specified in Section 114091, pasteurized eggs or pasteurized egg products shall be substituted for raw

1 shell eggs in the preparation of foods such as Caesar salad,  
2 hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream,  
3 and egg-fortified beverages that are not cooked as specified  
4 under Section 114004, nor included in Section 114093.

5 114014. Cooked and refrigerated food that is prepared for  
6 immediate service in response to an individual consumer order  
7 may be served at any temperature.

8 114016. (a) Except as specified under subdivisions (b) and  
9 (c), potentially hazardous food that is cooked, cooled, and  
10 reheated for hot holding shall be reheated so that all parts of the  
11 food reach a temperature of at least 165°F for 15 seconds.

12 (b) Except as specified under subdivision (c), potentially  
13 hazardous food reheated in a microwave oven for hot holding  
14 shall be reheated so that all parts of the food reach a temperature  
15 of at least 165°F and the food is rotated or stirred, covered, and  
16 allowed to stand covered for at least two minutes after reheating.

17 (c) Ready-to-eat food taken from a commercially processed,  
18 hermetically sealed container, or from an intact package from a  
19 food processing plant shall be heated to a temperature of at least  
20 135°F for hot holding.

21 (d) Reheating for hot holding shall be done rapidly, and the  
22 time the food is between 41°F and 165°F shall not exceed two  
23 hours.

24 (e) Remaining unsliced portions of roasts that are cooked as  
25 specified under Section 114004 may be reheated for hot holding  
26 using the oven parameters and minimum time and temperature  
27 conditions as specified in Section 114004.

28 114018. Frozen foods shall be stored and displayed in their  
29 frozen state unless being thawed in accordance with Section  
30 114020.

31 114020. Frozen potentially hazardous food shall only be  
32 thawed in one of the following ways:

33 (a) Under refrigeration that maintains the food temperature at  
34 41°F or below.

35 (b) Completely submerged under potable running water for a  
36 period not to exceed two hours at a water temperature of 70°F or  
37 below, and with sufficient water velocity to agitate and flush off  
38 loose particles into the sink drain.

39 (c) In a microwave oven if immediately followed by diligent  
40 preparation.



1 (d) As part of a cooking process.

2 114020.1. Frozen potentially hazardous food that is slacked  
3 to moderate the temperature shall be held under refrigeration that  
4 maintains the food temperature at 41°F or less, or at any  
5 temperature if the food remains frozen.

6  
7 Article 3. Food from Approved Sources  
8

9 114025. Ice for use as a food or a cooling medium shall be  
10 made from potable water.

11 114027. Fish that are received for sale or service shall be  
12 commercially and legally caught or harvested.

13 114029. (a) Molluscan shellfish shall be obtained from  
14 sources according to law and the requirements specified in the  
15 United States Department of Health and Human Services, Public  
16 Health Service, Food and Drug Administration, National  
17 Shellfish Sanitation Program Guide for the Control of Molluscan  
18 Shellfish.

19 (b) Molluscan shellfish received in interstate commerce shall  
20 be from sources that are listed in the Interstate Certified Shellfish  
21 Shippers List.

22 (c) Molluscan shellfish that are recreationally caught shall not  
23 be received for sale or service.

24 114031. (a) Game animals shall be received from an  
25 approved source.

26 (b) A game animal shall not be received for sale or service if it  
27 is a species of wildlife that is listed in 50 C.F.R. 17 Endangered  
28 and Threatened Wildlife and Plants or is listed as an endangered  
29 or threatened animal by the Department of Fish and Game.

30 (c) The enforcement agency may approve the use of legally  
31 obtained donated fish and game by nonprofit organizations  
32 authorized to serve meals to indigent persons.

33 (1) "Fish," as used in this subdivision, shall be defined as that  
34 term is used in Section 45 of the Fish and Game Code.

35 (2) "Game," as used in this subdivision, means any game bird,  
36 as defined in Section 3500 of the Fish and Game Code, or game  
37 mammal, as defined in Section 3950 of the Fish and Game Code.

## Article 4. Receipt of Food

114035. (a) Food shall be inspected upon receipt and prior to any use, storage, or resale.

(b) Food shall be accepted only if the inspection conducted upon receipt determines that the food satisfies all of the following:

(1) Was prepared by and received from approved sources.

(2) Is received in a wholesome condition.

(3) Is received in packages that are in good condition and that protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(4) Is in containers and on pallets that are not infested with vermin or otherwise contaminated.

(c) Potentially hazardous food shall be inspected for signs of spoilage and randomly checked for adherence to the temperature requirements as specified in Section 113996.

114037. (a) Except as specified in subdivision (b), refrigerated, potentially hazardous food may be at a temperature of 45°F or below when received, if the potentially hazardous food is cooled within four hours of receipt to a temperature at or below 41°F.

(b) If a temperature other than 41°F for a potentially hazardous food is specified in law governing its distribution, the food may be received at the specified temperature and cooled as specified in subdivisions (d) and (e) of Section 114002.

(c) Live molluscan shellfish shall not be accepted unless received at an internal temperature of 45°F or below, or, if received on the date of harvest, at a temperature above 45°F.

(d) Potentially hazardous food that is received hot shall be at a temperature of 135°F or above.

(e) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen and accepted only if there are not visible signs of thawing or refreezing.

(f) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

114039. (a) Raw shucked shellfish shall be obtained in nonreturnable packages that bear a legible label that identifies the name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish, and a “sell by” date for

1 packages with a capacity of less than one-half gallon, or the date  
2 shucked for packages with a capacity of one-half gallon or more.

3 (b) A package of raw shucked shellfish that does not bear a  
4 label or that bears a label that does not contain all the information  
5 required by subdivision (a) shall be subject to Section 114393  
6 and a hold order or seizure and destruction in accordance with 21  
7 C.F.R. 1240.60(d).

8 114039.1. (a) Shellstock shall be obtained in containers  
9 bearing legible source identification tags or labels that are affixed  
10 by the harvester and each dealer that depurates, ships, or reships  
11 the shellstock. Except as specified by subdivision (c), on the  
12 harvester's or dealer's tag or label, the following information  
13 shall be listed in the following order:

14 (1) The harvester's or dealer's name and address.

15 (2) The harvester's certification number as assigned by the  
16 authority and the original shellstock shipper's certification  
17 number.

18 (3) The date of harvesting.

19 (4) The most precise identification of the harvest location or  
20 aquaculture site that is practicable based on the system of harvest  
21 area designations that is in use by the shellfish control authority  
22 and including the abbreviation of the name of the state or country  
23 in which the shellfish are harvested.

24 (5) The type and quantity of shellfish.

25 (6) The following statement in bold, capitalized type: "THIS  
26 TAG IS REQUIRED TO BE ATTACHED UNTIL  
27 CONTAINER IS EMPTY OR RETAGGED AND  
28 THEREAFTER KEPT ON FILE FOR 90 DAYS."

29 (7) The dealer's tag or label shall also indicate the original  
30 shipper's certification number, including the abbreviation of the  
31 name of the state or country in which the shellfish are harvested.

32 (b) A container of shellstock that does not bear a tag or label  
33 or that bears a tag or label that does not contain all the  
34 information required under subdivision (a) shall be subject to a  
35 hold order or seizure and destruction in accordance with 21  
36 C.F.R. 1240.60(d).

37 (c) If the harvester's tag or label is designed to accommodate  
38 each dealer's identification, individual dealer tags or labels need  
39 not be provided.

1 114039.2. When received by a food facility, shellstock shall  
2 be reasonably free of mud, dead shellfish, and shellfish with  
3 broken shells. Dead shellfish or shellstock with badly broken  
4 shells shall be discarded.

5 114039.3. (a) Except as specified in subdivisions (b) and (c),  
6 molluscan shellfish shall not be removed from the container in  
7 which they are received other than immediately before sale or  
8 preparation for service.

9 (b) Shellstock may be removed from the container in which  
10 they are received and displayed on drained ice or held in a  
11 display container. A quantity specified by a consumer may be  
12 removed from the display or display container and provided to  
13 the consumer if the source of the shellstock on display is  
14 identified as specified under Section 114039.1 and recorded as  
15 specified under Section 114039.4 and the shellstock are protected  
16 from contamination.

17 (c) Shucked shellfish may be removed from the container in  
18 which they were received and held in a display container from  
19 which individual servings are dispensed upon a consumer's  
20 request if the labeling information for the shellfish on display as  
21 specified under Section 114039 is retained and correlated to the  
22 date when, or dates during which, the shellfish are sold or served  
23 and the shellfish are protected from contamination.

24 114039.4. (a) Except as specified by subdivision (b),  
25 shellstock tags shall remain attached to the container in which the  
26 shellstock are received until the container is empty.

27 (b) The identity of the source of shellstock that are sold or  
28 served shall be maintained by retaining shellstock tags or labels  
29 for 90 calendar days from the date the lot is emptied in the  
30 following ways:

31 (1) Using a record keeping system that keeps the tags or labels  
32 in chronological order correlated to the date or dates the  
33 shellstock are sold or served.

34 ~~(2) If shellstock are removed from their tagged or labeled~~  
35 ~~container, preserving~~ Preserving source identification by using a  
36 record keeping system as specified under paragraph (1) ~~or~~  
37 ~~ensuring to ensure~~ that shellstock from one tagged or labeled  
38 container are not commingled with shellstock from another  
39 container before being ordered by the consumer.

1 (3) If shellstock are portioned and prepackaged, including a  
2 copy of the corresponding shellstock tag or properly labeling the  
3 package with the required shellfish information.

4 114039.5. (a) Except as specified in subdivision (b),  
5 molluscan shellfish life-support system display tanks shall not be  
6 used to display shellfish that are offered for human consumption  
7 and shall be conspicuously marked so that it is obvious to the  
8 consumer that the shellfish are for display only.

9 (b) Molluscan shellfish life support system display tanks that  
10 are used to store and display shellfish that are offered for human  
11 consumption shall be operated and maintained in accordance  
12 with a variance as specified in Section 114056 and an approved  
13 HACCP plan as specified in Section 114419.3. Operation and  
14 maintenance shall ensure the following:

15 (1) Water used with fish other than molluscan shellfish does  
16 not flow into the molluscan tank.

17 (2) The safety and quality of the shellfish as they were  
18 received are not compromised by the use of the tank.

19 (3) The identity of the source of the shellstock is retained as  
20 specified in Section 114039.4.

21 (c) Molluscan shellfish life support system display tanks that  
22 were approved for operation prior to the effective date of this part  
23 need not comply with Sections 114417 and 114419.3.

24 114041. Shell eggs shall be received clean and sound and  
25 may not exceed the restricted egg tolerances for United States  
26 Consumer Grade B Standards.

27 114043. (a) Liquid, frozen, and dry eggs and egg products  
28 shall be obtained pasteurized.

29 (b) Frozen milk products, such as ice cream, shall be obtained  
30 pasteurized as specified in 21 C.F.R. 135—Frozen Desserts.

31 (c) Cheese shall be obtained pasteurized unless alternative  
32 procedures to pasteurization are specified in the Code of Federal  
33 Regulations, including, but not limited to, 21 C.F.R.  
34 133—Cheeses and Related Cheese Products, for curing certain  
35 cheese varieties.

## 36 Article 5. Food Storage

37  
38  
39 114047. (a) Adequate and suitable space shall be provided  
40 for the storage of food.

(b) Except as specified in subdivisions (c) and (d), food shall be protected from contamination by storing the food in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration, and at least six inches above the floor.

(c) Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment as specified under Section 114165.

(d) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture.

114049. Food shall not be stored in any of the following ways:

(a) In locker rooms.

(b) In toilet rooms.

(c) In dressing rooms.

(d) In refuse rooms.

(e) In mechanical rooms.

(f) Under sewer lines that are not shielded to intercept potential drips.

(g) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed.

(h) Under open stairwells.

(i) Under other sources of contamination.

114051. Working containers holding food or food ingredients that are removed from their original packages for use in the food facility, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar, shall be identified with the common name of the food, except that containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.

114053. (a) Prepackaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container, or its positioning in the ice or water.

(b) Except as specified in subdivisions (c) and (d), nonprepackaged food may not be stored in direct contact with undrained ice.

1 (c) Whole raw fruits or vegetables, cut raw vegetables, and  
2 tofu may be immersed in ice or water.

3 (d) Raw chicken and raw fish that are received immersed in  
4 ice in shipping containers may remain in that condition while in  
5 storage awaiting preparation, display, service, or sale.

6 114055. (a) Products that are held by the permitholder for  
7 credit, redemption, or return to the distributor, such as damaged,  
8 spoiled, or recalled products, shall be segregated and held in  
9 designated areas that are separated from food, equipment,  
10 utensils, linens, and single-use articles.

11 (b) All returned or damaged food products and food products  
12 from which the label has been removed shall be separated and  
13 stored in a separate area and in a manner that shall prevent  
14 adulteration of other foods and shall not contribute to a vermin  
15 problem.

16  
17 Article 6. Specialized Processing Methods  
18

19 114056. A food facility shall obtain a variance from the  
20 department as specified in Sections 114417 to 114417.2,  
21 inclusive, before doing any of the following:

22 (a) Smoking food as a method of food preservation rather than  
23 as a method of flavor enhancement.

24 (b) Curing food.

25 (c) Using food additives or adding components such as  
26 vinegar as a method of food preservation rather than as a method  
27 of flavor enhancement, or to render a food so that it is not  
28 potentially hazardous.

29 (d) Packaging food using ~~a oxygen-reduced~~ *reduced-oxygen*  
30 packaging method, except as specified in Section 114057.1,  
31 where a barrier to *Clostridium botulinum* in addition to  
32 refrigeration exists.

33 (e) Operating a molluscan shellfish life support system display  
34 tank used to store and display shellfish that are offered for human  
35 consumption.

36 (f) Custom processing animals that are for personal use as  
37 food and not for sale or service in a food facility.

38 (g) Preparing food by another method that is determined by  
39 the enforcement agency to require a variance.

1 114057. (a) Potentially hazardous foods that are packed by  
2 the food facility in ~~oxygen-reduced~~ *reduced-oxygen* packaging or  
3 have been partially cooked and sealed in any container or  
4 configuration that creates anaerobic conditions shall be plainly  
5 date coded. The date coding shall state “Use By,” followed by  
6 the appropriate month, day, and year.

7 (b) For purposes of this section, “partially cooked” means not  
8 sufficiently cooked to assure commercial sterility or to have  
9 barriers to prevent the growth of or toxin formation by  
10 *Clostridium botulinum*.

11 114057.1. (a) A food facility that packages food using a  
12 ~~oxygen-reduced~~ *reduced-oxygen* packaging method and  
13 *Clostridium botulinum* is identified as a microbiological hazard  
14 in the final prepackaged form shall ensure that there are at least  
15 two barriers in place to control the growth and toxin formation of  
16 *Clostridium botulinum*.

17 (b) A food facility that packages food using a ~~oxygen-reduced~~  
18 *reduced-oxygen* packaging method and *Clostridium botulinum* is  
19 identified as a microbiological hazard in the final prepackaged  
20 form shall have an approved HACCP plan that does all of the  
21 following:

22 (1) Contains the information specified under Section  
23 114419.1.

24 (2) Identifies the food to be prepackaged.

25 (3) Limits the food prepackaged to a food that does not  
26 support the growth of *Clostridium botulinum* because it complies  
27 with one of the following:

28 (A) Has an  $a_w$  of 0.91 or less.

29 (B) Has a pH of 4.6 or less.

30 (C) Is a meat or poultry product cured at a food processing  
31 plant regulated by the U.S.D.A. and is received in an intact  
32 package.

33 (D) Is a food with a high level of competing organisms, such  
34 as raw meat or raw poultry.

35 (4) Specifies methods for maintaining food at 41°F or below.

36 (5) Describes how the packages shall be prominently and  
37 conspicuously labeled on the principal display panel in bold type  
38 on a contrasting background, with instructions to maintain the  
39 food at 41°F or below and discard the food if within 14 calendar  
40 days of its packaging it is not served for on-premises



1 consumption, or consumed if served or sold for off-premises  
2 consumption.

3 (6) Limits the refrigerated shelf life to no more than 14  
4 calendar days from packaging to consumption, except the time  
5 product is maintained frozen, or the original manufacturer's "sell  
6 by" or "use by" date, whichever occurs first.

7 (7) Includes operational procedures that prohibit contacting  
8 food with bare hands, identify a designated area and the method  
9 by which physical barriers or methods of separation of raw foods  
10 and ready-to-eat foods minimize cross-contamination and access  
11 to the processing equipment is restricted to responsible trained  
12 personnel familiar with the potential hazards of the operation,  
13 and delineate cleaning and sanitization procedures for  
14 food-contact surfaces.

15 (8) Describes the training program that ensures that  
16 individuals responsible for the reduced oxygen packaging  
17 operation understand the concepts required for a safe operation,  
18 the equipment and facilities, and the procedures specified under  
19 paragraph (7) and Section 114419.1.

20 (c) Except for fish that is frozen before, during, and after  
21 packaging, a food facility shall not package fish using a reduced  
22 oxygen packaging method.

#### 23 24 Article 7. Food Display and Service 25

26 114060. (a) Except for nuts in the shell and whole raw fruits  
27 and vegetables that are intended for hulling, peeling, or washing  
28 by the consumer before consumption, food on display shall be  
29 protected from contamination by the use of packaging, counter,  
30 service line, or sneeze guards that intercept a direct line between  
31 the customer's mouth and the food being displayed, containers  
32 with tight-fitting securely attached lids, display cases, mechanical  
33 dispensers, or other effective means.

34 (b) Nonprepackaged food may be displayed and sold in bulk in  
35 other than self-service containers if both of the following  
36 conditions are satisfied:

37 (1) The food is served by a food employee directly to a  
38 consumer.

39 (2) The food is displayed in clean, sanitary, and covered, or  
40 otherwise protected, containers.

1 114063. (a) Raw, nonprepackaged animal food, such as beef,  
2 lamb, pork, poultry, and eviscerated fish, shall not be offered for  
3 consumer self-service. This paragraph does not apply to the  
4 following:

5 (1) Consumer self-service of ready-to-eat foods at buffets or  
6 salad bars that serve foods such as sushi or raw shellfish.

7 (2) Ready-to-cook individual portions for immediate cooking  
8 and consumption on the premises, such as consumer-cooked  
9 meats or consumer-selected ingredients for Mongolian barbecue,  
10 or raw, frozen shrimp, lobster, finfish, or scallop abductor  
11 muscle, or frozen breaded seafood.

12 (b) Nonprepackaged food may be displayed in bulk for  
13 consumer self-service if all of the following conditions are  
14 satisfied:

15 (1) Food, except raw animal food, such as beef, lamb, pork,  
16 poultry, and eviscerated fish, and produce requiring further  
17 processing may be displayed on open counters or in containers.

18 (2) Except for salad bar and buffet-type food service, a label  
19 shall be conspicuously displayed in plain view of the consumer  
20 and securely attached to each self-service container, or in clear  
21 relationship thereto, and shall contain the information required in  
22 Section 114089.

23 (3) Nonfood items shall be displayed and stored in an area  
24 separate from food.

25 (c) French style, hearth-baked, or hard-crust loaves and rolls  
26 shall be considered properly wrapped if contained in an open-end  
27 bag of sufficient size to enclose the loaves or rolls.

28 (d) Consumer self-service operations for ready-to-eat foods  
29 such as buffets and salad bars shall be provided with a suitable  
30 food dispensing utensil for each container displayed or effective  
31 dispensing methods that protect the food from contamination.

32 (e) Consumer self-service operations such as buffets and salad  
33 bars shall be checked periodically on a regular basis by food  
34 employees trained in safe operating procedures.

35 114065. Notwithstanding Section 114266, this section shall  
36 not be construed to require the enclosure, during operating hours,  
37 of consumer self-service nonpotentially hazardous bulk beverage  
38 dispensing operations that meet the following requirements:

39 (a) The dispensing operation is installed contiguous with a  
40 permanent food facility and is operated by the food facility.

1 (b) The beverages are dispensed from enclosed equipment that  
2 precludes exposure of the beverages until they are dispensed at  
3 the nozzles. The dispensing equipment actuating lever or  
4 mechanism and filling device of consumer self-service beverage  
5 dispensing equipment shall be designed to prevent contact with  
6 the lip-contact surface of glasses or cups that are refilled.

7 (c) Ice and ice product are dispensed only from an ice product  
8 dispenser. Ice and ice product are not scooped or manually  
9 loaded into a dispenser out-of-doors.

10 (d) Single-use utensils are protected from contamination and  
11 are individually wrapped or dispensed from approved sanitary  
12 dispensers.

13 (e) The dispensing operations have overhead protection that  
14 fully extends over all equipment associated with the facility.

15 (f) During nonoperating hours the dispensing operations are  
16 fully enclosed so as to be protected from contamination by  
17 vermin and exposure to the elements.

18 (g) The owner or operator of the permanent food facility  
19 demonstrates to the enforcement agency that acceptable methods  
20 are in place to properly clean and sanitize the beverage  
21 dispensing equipment.

22 (h) Beverage dispensing operations are in compliance with  
23 Section 113980 and have been approved by the enforcement  
24 agency.

25 (i) Beverage dispensing operations are under the constant and  
26 complete control of the permitholder of the permanent food  
27 facility who is operating the dispensing equipment.

28 114067. (a) Satellite food service is restricted to limited food  
29 preparation.

30 (b) Satellite food service shall only be operated by a fully  
31 enclosed permanent food facility that meets the requirements for  
32 food preparation and service and that is responsible for servicing  
33 the satellite food service operation.

34 (c) Prior to conducting satellite food service, the permitholder  
35 of the permanent food facility shall submit to the enforcement  
36 agency written standard operating procedures that include all of  
37 the following information:

38 (1) All food products that will be handled and dispensed.

39 (2) The proposed procedures and methods of food preparation  
40 and handling.

1 (3) Procedures, methods, and schedules for cleaning utensils,  
2 equipment, structures, and for the disposal of refuse.

3 (4) How food will be transported to and from the permanent  
4 food facility and the satellite food service operation, and steps  
5 taken to prevent contamination of foods.

6 (5) How potentially hazardous foods will be maintained at or  
7 below 41°F or at or above 135°F.

8 (d) All food preparation shall be conducted within a food  
9 compartment or fully enclosed facility approved by the  
10 enforcement officer.

11 (e) Satellite food service areas shall have overhead protection  
12 that extends over all food handling areas.

13 (f) Satellite food service operations that handle  
14 nonprepackaged food shall be equipped with approved,  
15 permanently plumbed handwashing facilities and warewashing  
16 facilities.

17 (g) Notwithstanding subdivision (f), the local enforcement  
18 agency may approve the use of alternative warewashing  
19 facilities.

20 (h) Food and utensils shall be stored inside the fully enclosed  
21 permanent food facility when satellite food service is not being  
22 conducted.

23 (i) Satellite food service activities shall be conducted by and  
24 under the constant and complete control of the permitholder of  
25 the fully enclosed permanent food facility.

26 (j) During nonoperating hours and periods of inclement  
27 weather, satellite food service operations shall be completely  
28 enclosed to exclude vermin, or stored inside the fully enclosed  
29 permanent food facility.

30 114069. Only prepackaged nonpotentially hazardous food or  
31 uncut produce may be displayed or sold outdoors by a food  
32 facility if all of the following conditions are satisfied:

33 (a) Outdoor displays have overhead protection that extends  
34 over all food items.

35 (b) Food items from the outdoor display are stored inside the  
36 fully enclosed food facility at all times other than during business  
37 hours.

38 (c) Outdoor displays comply with Section 113980 and have  
39 been approved by the enforcement agency.

1 (d) Outdoor displays are under the control of the permitholder  
2 of the fully enclosed food facility and are checked periodically  
3 on a regular basis.

4 114073. (a) Single-use articles shall not be reused.

5 (b) Bulk milk container dispensing tubes shall be cut on the  
6 diagonal leaving no more than one inch protruding from the  
7 chilled dispensing head.

8 114074. (a) If tableware is preset, it shall be protected from  
9 contamination by being wrapped, covered, or inverted.

10 (b) Exposed, unused settings shall be removed when a  
11 consumer is seated.

12 (c) Exposed, unused settings shall be cleaned and sanitized  
13 before further use if the settings are not removed when a  
14 consumer is seated.

15 114075. (a) Except for refilling a consumer's drinking cup or  
16 container without contact between the pouring utensil and the  
17 lip-contact area of the drinking cup or container, food employees  
18 shall not use tableware, including single-use articles, soiled by  
19 the consumer, to provide second portions or refills.

20 (b) Except as specified in subdivision (c), self-service  
21 consumers shall not be allowed to use soiled tableware, including  
22 single-use articles, to obtain additional food from the display and  
23 serving equipment.

24 (c) Consumers shall be notified that clean tableware is to be  
25 used when they return to self-service areas such as salad bars and  
26 buffets.

27 (d) Drinking cups and containers may be reused by  
28 self-service consumers if refilling is a contamination-free process  
29 as specified in subdivision (a).

30 (e) Personal take-out beverage containers, such as thermally  
31 insulated bottles, nonspill coffee cups, and promotional beverage  
32 glasses, may be refilled by employees or the consumer if refilling  
33 is a contamination-free process as specified in subdivision (a).

34 114077. Condiments shall be protected from contamination  
35 by being kept in dispensers that are designed to provide  
36 protection, protected food displays provided with the proper  
37 utensils, original containers designed for dispensing, or  
38 individual packages or portions.

39 114079. (a) Except as specified in subdivision (b), after  
40 being served or sold and in the possession of a consumer, food

1 that is unused or returned by the consumer shall not be offered as  
2 food for human consumption.

3 (b) A container of food that is not potentially hazardous may  
4 be transferred from one consumer to another if the food is  
5 dispensed so that it is protected from contamination and the  
6 container is closed between uses, such as a narrow-neck bottle  
7 containing catsup, steak sauce, or wine, *or* if the food, such as  
8 crackers, salt, or pepper, is in an unopened original package and  
9 is maintained in sound condition, ~~or~~ *and* if the food is checked  
10 periodically on a regular basis.

11 114081. (a) Single-use articles and cleaned and sanitized  
12 multiservice utensils shall be handled, displayed, and dispensed  
13 so that contamination of food and lip-contact surfaces is  
14 prevented.

15 (b) Knives, forks, and spoons that are not prewrapped shall be  
16 presented so that only the handles are touched by employees, and  
17 by consumers if consumer self-service is provided.

18 (c) Except as specified under subdivision (b), single-use  
19 articles that are intended for food or lip-contact shall be furnished  
20 for consumer self-service with the original individual wrapper  
21 intact or from an approved dispenser.

22 114083. Soiled tableware shall be removed from consumer  
23 eating and drinking areas and handled so that clean tableware,  
24 food, and food-contact surfaces are not contaminated.

#### 25 26 Article 8. Consumer Advisories

27  
28 114087. (a) Food shall be offered for human consumption in  
29 a way that does not mislead or misinform the consumer.

30 (b) Food or color additives, colored overwraps, lights or other  
31 misleading artificial means shall not be used to misrepresent the  
32 true appearance, color, or quality of a food.

33 114089. (a) Food prepackaged in a food facility shall bear a  
34 label that complies with the labeling requirements prescribed by  
35 the Sherman Food, Drug, and Cosmetic Law (Part 5  
36 (commencing with Section 109875)), 21 C.F.R. 101-Food  
37 Labeling, 9 C.F.R. 317-Labeling, Marking Devices, and  
38 Containers, and 9 C.F.R. 381-Subpart N Labeling and  
39 Containers, and as specified under Sections 114039 and  
40 114039.1.

(b) Label information shall include the following:

(1) The common name of the food, or absent a common name, an adequately descriptive identity statement.

(2) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.

(3) An accurate declaration of the quantity of contents.

(4) The name and place of business of the manufacturer, packer, or distributor.

(5) Except as exempted in the Federal Food, Drug, and Cosmetic Act Section 403(Q)(3)–(5) (21 U.S.C. Sec. 343(q)(3)–(5), incl.), nutrition labeling as specified in 21 C.F.R. 101-Food Labeling and 9 C.F.R. 317 Subpart B Nutrition Labeling.

(c) Bulk food that is available for consumer self-service shall be prominently labeled with the following information in plain view of the consumer:

(1) The manufacturer's or processor's label that was provided with the food.

(2) A card, sign, or other method of notification that includes the information specified under paragraphs (1), (2), and (5) of subdivision (b).

114089.1. (a) Except as specified in subdivision (c) of Section 114089, every bakery product shall have a protective wrapping that shall bear a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

(b) Bakery products sold directly to a restaurant, catering service, retail bakery, or sold over the counter directly to the consumer by the manufacturer or bakery distributor shall be exempt from the labeling provisions of this section.

(c) French style, hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag that encloses the loaves or rolls.

114090. (a) If required by law, consumer warnings shall be provided.

(b) Food facility's or ~~manufacturers~~ *manufacturer's* dating information on foods may not be concealed or altered.

114091. In a supervised care food facility:

- 1 (a) Only pasteurized juice may be served.
- 2 (b) Only pasteurized fluid and dry milk and milk products  
3 complying with Grade A standards as specified in LAW shall be  
4 served.
- 5 (c) Pasteurized shell eggs or pasteurized liquid, frozen, or dry  
6 eggs or egg products shall be substituted for raw shell eggs in the  
7 preparation of foods such as Caesar salad, hollandaise or  
8 béarnaise sauce, mayonnaise, eggnog, ice cream, and  
9 egg-fortified beverages, and, except as specified in subdivision  
10 (e), recipes in which more than one egg is broken and the eggs  
11 are combined.
- 12 (d) Food in an unopened original package shall not be  
13 re-served.
- 14 (e) The following foods may not be served or offered for sale  
15 in a ready-to-eat form:
- 16 (1) Raw animal foods such as raw fish, raw-marinated fish,  
17 raw molluscan shellfish, and steak tartare.
- 18 (2) A partially cooked animal food, such as lightly cooked  
19 fish, rare meat, soft-cooked eggs, that is made from raw shell  
20 eggs, and meringue.
- 21 (3) Raw seed sprouts.
- 22 (f) Subdivision (c) does not apply in any of the following  
23 instances:
- 24 (1) The raw eggs are combined immediately before cooking  
25 for one consumer's serving at a single meal, cooked as specified  
26 under Section 114004, and served immediately, such as an  
27 omelet, soufflé, or scrambled eggs.
- 28 (2) The raw eggs are combined as an ingredient immediately  
29 before baking and the eggs are thoroughly cooked to a  
30 ready-to-eat form, such as a cake, muffin, or bread.
- 31 (3) The preparation of the food is conducted under a HACCP  
32 plan that:
- 33 (A) Identifies the food to be prepared.
- 34 (B) Prohibits contacting ready-to-eat food with bare hands.
- 35 (C) Includes specifications and practices that ensure  
36 salmonella enteritidis growth is controlled before and after  
37 cooking and is destroyed by cooking the eggs to an internal  
38 temperature of 145°F.
- 39 (D) Contains the information specified under a HACCP plan,  
40 including procedures that control cross contamination of ready to



1 eat food with raw eggs, and delineate cleaning and sanitization  
2 procedures for food-contact surfaces.

3 (E) Describes the training program that ensures that the food  
4 employee responsible for the preparation of the food understands  
5 the procedures to be used.

6 114093. Notwithstanding Section 114004, a ready-to-eat  
7 salad dressing or sauce containing a raw or less-than-thoroughly  
8 cooked egg as an ingredient, and other ready-to-eat foods made  
9 from or containing eggs, comminuted meat, or single pieces of  
10 meat, including beef, veal, lamb, pork, poultry, fish, and seafood,  
11 that are raw or have not been thoroughly cooked as specified in  
12 Section 114004 may be served if either of the following  
13 requirements is met:

14 (a) The consumer specifically orders that the food be  
15 individually prepared less than thoroughly cooked.

16 (b) The food facility notifies the consumer, orally or in  
17 writing, at the time of ordering, that the food is raw or less than  
18 thoroughly cooked.

19 114093.1. (a) Any food facility that serves or sells over the  
20 counter directly to the consumer an unlabeled or nonprepackaged  
21 food that is a confectionery that contains alcohol in excess of  
22 one-half of 1 percent by weight shall provide written notice to the  
23 consumer of that fact.

24 (b) The notice shall be prominently displayed or be provided  
25 in some other manner, as determined by the department.

26 (c) The department shall adopt regulations to govern the notice  
27 required by this section in order to effectuate the purposes of this  
28 section.

29  
30 CHAPTER 5. CLEANING AND SANITIZING OF EQUIPMENT AND  
31 UTENSILS  
32

33 114095. All food facilities in which food is prepared or in  
34 which multiservice utensils and equipment are used shall provide  
35 manual methods to effectively clean and sanitize utensils as  
36 specified in Section 114099.

37 114097. Equipment food-contact surfaces and multiservice  
38 utensils shall be effectively washed to remove or completely  
39 loosen soils by the use of manual or mechanical methods  
40 necessary, such as the application of detergents containing

1 wetting agents and emulsifiers, acid, alkaline, or abrasive  
2 cleaners, hot water, brushes, scouring pads, high pressure sprays,  
3 or ultrasonic devices.

4 114099. (a) Manual warewashing sinks, except as specified  
5 in subdivision (c), shall have at least three compartments with  
6 two integral metal drainboards for manually washing, rinsing,  
7 and sanitizing equipment and utensils.

8 (b) Sink compartments shall be large enough to accommodate  
9 immersion of the largest equipment and utensils. If equipment or  
10 utensils are not designed to be washed in a warewashing sink,  
11 alternate approved methods as specified in Section 114099.3  
12 shall be followed.

13 (c) A two compartment sink that is in use on January 1, 1996,  
14 need not be replaced when used as specified in Section 114099.3.  
15 The enforcement officer shall approve the continued use of a  
16 two-compartment sink even upon replacement if the installation  
17 of a three-compartment sink would not be readily achievable and  
18 where other approved sanitation methods are used.

19 114099.1. (a) During manual or mechanical warewashing,  
20 food debris on equipment and utensils shall be scraped over a  
21 waste disposal unit, scupper, or garbage receptacle.

22 (b) If necessary for effective cleaning, utensils and equipment  
23 shall be preflushed, presoaked, or scrubbed with abrasives.

24 114099.2. (a) Notwithstanding Section 114099, manual  
25 warewashing shall be accomplished by using a  
26 three-compartment sink where the utensils are first precleaned,  
27 then washed, rinsed, sanitized, and air dried.

28 (b) The temperature of the washing solution shall be  
29 maintained at not less than 110°F or the temperature specified on  
30 the cleaning agent manufacturer's label instructions.

31 (c) The utensils shall then be rinsed in clear water before being  
32 immersed in a sanitizing solution.

33 (d) Manual sanitization shall be accomplished as specified in  
34 Section 114099.6.

35 (e) In-place sanitizing shall be accomplished as specified in  
36 Section 114099.6.

37 (f) Other methods may be used if approved by the enforcement  
38 agency.

39 114099.3. ~~(a)~~ Alternative manual warewashing equipment  
40 may be used when there are special cleaning needs or constraints,

such as when equipment is fixed or the utensils are large, and the enforcement agency has approved the use of the alternative equipment. Alternative manual warewashing equipment may include any of the following:

(1)

(a) High-pressure detergent sprayers.

(2)

(b) Low-or-line pressure spray detergent foamers.

(3)

(c) Other task-specific cleaning equipment.

(4)

(d) Brushes or other implements.

~~(b) The permitholder shall limit the number of utensils cleaned and sanitized in the two-compartment sink, and shall limit warewashing to batch operations for cleaning and sanitizing utensils such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall do all of the following:~~

*(e) (1) A two-compartment sink, if the permitholder limits the number of utensils cleaned and sanitized in the two-compartment sink, and limits warewashing to batch operations for cleaning and sanitizing utensils, such as between cutting one type of raw meat and another or cleanup at the end of a shift, and shall do all of the following:*

(1)

(A) Make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use.

(2)

(B) Use a detergent sanitizer to clean and sanitize in accordance with the manufacturer's label instructions where there is no distinct water rinse between the washing and sanitizing steps. The agent applied in the sanitizing step shall be the same detergent sanitizer that is used in the washing step.

(3)

(C) Use a hot water sanitization immersion step that incorporates a nondistinct water rinse.

~~(e) Written operational procedures shall be approved by the enforcement agency if they effectively demonstrate the cleaning and sanitization of food-contact surfaces and utensils.~~

(d)

(2) A two-compartment sink shall not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of utensils in an ongoing warewashing process.

114099.4. If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be designed with an integral heating device that is capable of maintaining water at a temperature not less than 171°F and provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

114099.5. In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

114099.6. Manual or mechanical sanitization shall be accomplished in the final sanitizing rinse by one of the following:

(a) Hot water manual operations by immersion for at least 30 seconds where the water temperature is maintained at 171°F or above.

(b) Hot water mechanical operations by being cycled through equipment that is used in accordance with the manufacturer's specifications and achieving a utensil surface temperature of 160°F as measured by an irreversible registering temperature indicator.

(c) Chemical manual or mechanical operations, including the applications of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using one of the following solutions:

(1) Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.

(2) Contact with a solution of 25 ppm available iodine for at least one minute.

(3) Contact with a solution of 200 ppm quaternary ammonium for at least one minute.

(4) Contact with any chemical sanitizer that meets the requirements of 21 C.F.R. 178.1010 when used in accordance with the manufacturer's use directions as specified on the product label.

(d) Other methods may be used if approved by the enforcement agency.

1 114101. (a) Mechanical machine warewashing shall be  
2 accomplished by using an approved machine installed and  
3 operated in accordance with the manufacturer's specifications.

4 (b) Soiled items to be cleaned in a warewashing machine shall  
5 be loaded in racks, trays, or baskets or onto conveyors in a  
6 position that exposes the items to the unobstructed spray during  
7 all cycles and allows the items to drain.

8 (c) The velocity, quantity, and distribution of the washwater,  
9 type, and concentration of detergent used therein, and the time  
10 the utensils are exposed to the water shall be sufficient to clean  
11 the utensils.

12 (d) Supervised care facilities constructed or remodeled prior to  
13 the effective date of this part, and restricted food service facilities  
14 need not comply with Section 114130 if the domestic or  
15 commercial dishwasher utilized for warewashing is capable of  
16 providing heat to the surface of the utensils of a temperature of at  
17 least 160°F.

18 114101.1. A warewashing machine shall be provided with an  
19 easily accessible and readable data plate affixed to the machine  
20 by the manufacturer that indicates the machine's design and  
21 operating specifications including the temperatures required for  
22 washing, rinsing, and sanitizing, the pressure required for the  
23 fresh water sanitizing rinse, unless the machine is designed to use  
24 only a pumped sanitizing rinse, and the conveyor speed for  
25 conveyor machines or cycle time for stationary rack machines.

26 114101.2. A warewashing machine shall be equipped with a  
27 temperature measuring device that indicates the temperature of  
28 the water as the water enters the hot water sanitizing final rinse  
29 manifold or in the chemical sanitizing solution tank.

30 114103. (a) Except as provided in subdivisions (b) and (c),  
31 all warewashing equipment shall be provided with two integral  
32 metal drainboards of adequate size and construction. One  
33 drainboard shall be attached at the point of entry for soiled  
34 equipment and utensils and one shall be attached at the point of  
35 exit for cleaned and sanitized equipment and utensils.

36 (b) Where an undercounter warewashing machine is used,  
37 there shall be two metal drainboards, one for soiled equipment  
38 and utensils, and one for clean equipment and utensils, located  
39 adjacent to the machine. This requirement may be satisfied by

1 using the drainboards that are part of the manual warewashing  
2 sinks if the facilities are located adjacent to the machine.

3 (c) Pot and pan washers shall be equipped with drainboards as  
4 required in subdivision (a), or shall be equipped with approved  
5 alternative equipment that provides adequate and suitable space  
6 for soiled and clean equipment and utensils.

7 (d) Drainboards, utensil racks, or tables large enough to  
8 accommodate all soiled and cleaned items that may accumulate  
9 during hours of operation shall be provided for necessary utensil  
10 holding before cleaning and after sanitizing.

11 (e) Sinks and drainboards of warewashing equipment shall be  
12 sloped and drained to an approved liquid waste receptor.

13 114105. After cleaning and sanitizing, equipment and utensils  
14 shall be air dried or used after adequate draining before contact  
15 with food and shall not be cloth dried, except that utensils that  
16 have been air dried may be polished with cloths that are  
17 maintained clean and dry.

18 114107. (a) Testing equipment and materials shall be  
19 provided to adequately measure the applicable sanitization  
20 method used during manual or mechanical warewashing.

21 (b) The concentration of the sanitizing solution shall be  
22 accurately determined to ensure proper dosage.

23 114109. (a) Drying agents used in conjunction with  
24 sanitization shall contain only components that are listed as one  
25 of the following:

26 (1) Generally Recognized as Safe for use in food as specified  
27 in 21 C.F.R. 182 – Substances Generally Recognized as Safe, or  
28 21 C.F.R. 184 – Direct Food Substances Affirmed as Generally  
29 Recognized as Safe.

30 (2) Generally Recognized as Safe for the intended use as  
31 specified in 21 C.F.R. 186 – Indirect Food Substances Affirmed  
32 as Generally Recognized as Safe.

33 (3) Approved for use as a drying agent under a prior sanction  
34 specified in 21 C.F.R. 181 – Prior-Sanctioned Food Ingredients.

35 (4) Specifically regulated as an indirect food additive for use  
36 as a drying agent as specified in 21 C.F.R. 175–178, inclusive.

37 (5) Approved for use as a drying agent under the threshold of  
38 regulation process established by 21 C.F.R. 170.39.

39 (b) When sanitization is with chemicals, the approval required  
40 under paragraph (3) or (5) of subdivision (a) or the regulation as

1 an indirect food additive required under paragraph (4) of  
2 subdivision (a), shall be specifically for use with chemical  
3 sanitizing solutions.

4 114111. (a) If used, dry cleaning methods such as brushing,  
5 scraping, and vacuuming shall contact only surfaces that are  
6 soiled with dry nonpotentially hazardous food residues.

7 (b) Cleaning equipment used in dry cleaning food-contact  
8 surfaces shall not be used for any other purpose.

9 114113. Food shall only contact surfaces of equipment and  
10 utensils that are cleaned and sanitized.

11 114115. (a) Equipment food-contact surfaces and utensils  
12 shall be clean to sight and touch.

13 (b) The food-contact surfaces of cooking equipment and pans  
14 shall be kept free of encrusted grease deposits and other soil  
15 accumulations.

16 (c) Nonfood-contact surfaces of equipment shall be kept free  
17 of an accumulation of dust, dirt, food residue, and other debris.

18 (d) Equipment shall be reassembled so that food-contact  
19 surfaces are not contaminated.

20 114117. (a) Equipment food-contact surfaces and utensils  
21 shall be cleaned at the following times:

22 (1) Except as specified in subdivision (b), before each use with  
23 a different type of raw animal food such as beef, fish, lamb, pork,  
24 or poultry.

25 (2) Each time there is a change from working with raw foods  
26 to working with ready-to-eat foods.

27 (3) Between uses with raw produce and with potentially  
28 hazardous food.

29 (4) Before using or storing a food temperature measuring  
30 device.

31 (5) At any time during the operation when contamination may  
32 have occurred.

33 (b) Paragraph (1) of subdivision (a) does not apply if the food  
34 contact surface or utensil is in contact with a succession of  
35 different raw animal foods, each requiring a higher cooking  
36 temperature as specified in Section 114004 than the previous  
37 food, such as preparing raw fish followed by cutting raw poultry  
38 on the same cutting board.

39 (c) Except as specified in subdivision (d), if used with  
40 potentially hazardous food, equipment food-contact surfaces and

1 utensils shall be cleaned throughout the day at least every four  
2 hours.

3 (d) Surfaces of utensils and equipment contacting potentially  
4 hazardous food may be cleaned less frequently than every four  
5 hours if any of the following occurs:

6 (1) In storage, containers of potentially hazardous food and  
7 their contents are maintained at temperatures as specified in  
8 Section 113996 and the containers are cleaned when they are  
9 empty.

10 (2) Utensils and equipment are used to prepare food in a  
11 refrigerated room or area that is maintained at or below 55°F. In  
12 that case, the utensils and equipment shall be cleaned at the  
13 frequency that corresponds to the temperature as depicted in the  
14 following chart and the cleaning frequency based on the ambient  
15 temperature of the refrigerated room or area shall be documented  
16 and records shall be maintained in the food facility and made  
17 available to the enforcement agency upon request:.

| 19 Temperature                         | Cleaning Frequency |
|--|--------------------|
| 20 5.0°C (41°F) or less                | 24 hours           |
| 21 >5.0°C – 7.2°C<br>22 (>41°F–45°F)   | 20 hours           |
| 23 >7.2°C – 10.0°C<br>24 (>45°F–50°F)  | 16 hours           |
| 25 >10.0°C – 12.8°C<br>26 (>50°F–55°F) | 10 hours           |

27  
28 (3) Containers in serving situations such as salad bars, delis,  
29 and cafeteria lines hold ready-to-eat potentially hazardous food  
30 that is maintained at the temperatures specified in Section  
31 113996 are intermittently combined with additional supplies of  
32 the same food that is at the required temperature, and the  
33 containers are cleaned at least every 24 hours.

34 (4) Temperature measuring devices are maintained in contact  
35 with food, such as when left in a container of deli food or in a  
36 roast, held at temperatures specified in Sections 113996 and  
37 114004.

38 (5) Equipment is used for storage of packaged or unpackaged  
39 food, such as a reach-in refrigerator, and the equipment is



1 cleaned at a frequency necessary to preclude accumulation of soil  
2 residues.

3 (6) The cleaning schedule is approved based on consideration  
4 of characteristics of the equipment and its use, the type of food  
5 involved, the amount of food residue accumulation, and the  
6 temperature at which the food is maintained during the operation  
7 and the potential for the rapid and progressive multiplication of  
8 pathogenic or toxigenic micro-organisms that are capable of  
9 causing foodborne disease.

10 (7) In-use utensils are intermittently stored in a container of  
11 water in which the water is maintained at 135°F or higher and the  
12 utensils and container are cleaned at least every 24 hours or at a  
13 frequency necessary to preclude accumulation of soil residues.

14 (e) Except when dry cleaning methods are used as specified in  
15 Section 114111, surfaces of utensils and equipment contacting  
16 food that is not potentially hazardous shall be cleaned in any of  
17 the following circumstances:

18 (1) At any time when contamination may have occurred.

19 (2) At least every 24 hours for iced tea dispensers and  
20 consumer self-service utensils such as tongs, scoops, or ladles.

21 (3) Before restocking consumer self-service equipment and  
22 utensils such as condiment dispensers and display containers.

23 (4) In equipment such as ice bins and beverage dispensing  
24 nozzles and enclosed components of equipment such as ice  
25 makers, cooking oil storage tanks and distribution lines, beverage  
26 and syrup dispensing lines or tubes, coffee bean grinders, and  
27 water vending equipment, at a frequency specified by the  
28 manufacturer, or, absent manufacturer specifications, at a  
29 frequency necessary to preclude accumulation of soil or mold.

30 114119. During pauses in food preparation or dispensing,  
31 food preparation and dispensing utensils shall be stored in—  
32 ~~manner that meets all of the following requirements:~~ *the*  
33 *following manner:*

34 (a) Except as specified under subdivision (b), in the food with  
35 their handles above the top of the food and the container.

36 (b) In food that is not potentially hazardous, with their handles  
37 above the top of the food within containers or equipment that can  
38 be closed, such as bins of sugar, flour, or cinnamon.

39 (c) On a clean portion of the food preparation table or cooking  
40 equipment only if the in-use utensil and the food-contact surface

1 of the food preparation table or cooking equipment are cleaned  
2 and sanitized at a frequency specified under Section 114117.

3 (d) In running water of sufficient velocity to flush particulates  
4 to the drain, if used with moist food such as ice cream or mashed  
5 potatoes.

6 (e) In a clean, protected location if the utensils, such as ice  
7 scoops, are used only with a food that is not potentially  
8 hazardous.

9 (f) In a container of water if the water is maintained at a  
10 temperature of at least 135°F and the container is cleaned at least  
11 every 24 hours or at a frequency necessary to preclude the  
12 accumulation of soil residues.

13 114121. (a) Except as specified in ~~subdivision~~ *subdivisions*  
14 (b) and (c), returned empty containers intended for refilling with  
15 food or beverage shall be cleaned and refilled in an approved  
16 facility.

17 (b) Consumer-owned containers returned to the food facility  
18 for refilling may be refilled and returned to the same consumer if  
19 the container is refilled by an employee of the food facility or the  
20 owner of the container if the dispensing system includes a  
21 contamination free transfer process that cannot be bypassed by  
22 the container owner.

23 (c) Consumer-owned containers that are not food specific may  
24 be filled at a water vending machine or system.

25 114123. Except as specified in Section 114125, food  
26 preparation sinks, handwashing lavatories, and warewashing  
27 equipment shall not be used for the cleaning of maintenance  
28 tools, the preparation or holding of maintenance materials, or the  
29 disposal of mop water and similar liquid wastes.

30 114125. (a) A warewashing sink shall not be used for  
31 handwashing except in food facilities that were not constructed  
32 or extensively remodeled since January 1, 1996, and where there  
33 are no facilities exclusively for handwashing in food preparation  
34 areas.

35 (b) If a warewashing sink is used to wash wiping cloths, wash  
36 produce, or thaw food, the sink shall be cleaned and sanitized  
37 before and after each time it is used to wash wiping cloths or  
38 wash produce or thaw food.

CHAPTER 6. EQUIPMENT, UTENSILS, AND LINENS

Article 1. Design and Construction

114130. (a) Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) Except as specified in subdivision (c), all new and replacement food-related and utensil-related equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI certified sanitation standard, food-related and utensil-related equipment shall be evaluated for approval by the enforcement agency.

(c) Supervised care facilities constructed or remodeled prior to the effective date of this part, and restricted food service facilities need not comply with subdivision (b), depending on the extent of the food service activities, and if the enforcement officer determines that the equipment meets the characteristics of subdivision (a).

(d) All new and replacement electrical appliances shall meet applicable Underwriters Laboratories standards for electrical equipment as determined by an ANSI accredited certification program.

114130.1. Materials that are used in the construction of utensils and food-contact surfaces of equipment shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be safe, durable, corrosion-resistant, and nonabsorbent, sufficient in weight and thickness to withstand repeated warewashing, finished to have a smooth, easily cleanable surface, and resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

114130.2. Materials that are used to make single-use articles shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food, and shall be safe and clean.

114130.3. (a) Multiuse food-contact surfaces shall be all of the following:

(1) Smooth.

1 (2) Free of breaks, open seams, cracks, chips, inclusions, pits,  
2 and similar imperfections.

3 (3) Free of sharp internal angles, corners, and crevices.

4 (4) Finished to have smooth welds and joints.

5 (5) Except as specified in subdivision (b), accessible for  
6 cleaning and inspection by one of the following methods:

7 (A) Without being disassembled.

8 (B) By disassembling without the use of tools.

9 (C) By easy disassembling with the use of handheld tools  
10 commonly available to maintenance and cleaning personnel such  
11 as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

12 (b) Paragraph (5) of subdivision (a) shall not apply to cooking  
13 oil storage tanks, distribution lines for cooking oils, or beverage  
14 syrup lines or tubes.

15 114130.4. Nonfood-contact surfaces of equipment that are  
16 exposed to splash, spillage, or other food soiling or that require  
17 frequent cleaning shall be constructed of a corrosion-resistant,  
18 nonabsorbent, and smooth material that allows easy cleaning and  
19 to facilitate maintenance and free of unnecessary ledges,  
20 projections, and crevices to allow for easy cleaning and to  
21 facilitate maintenance.

22 114130.5. (a) Except for CIP equipment in operation before  
23 the effective date of this part, CIP equipment shall meet the  
24 characteristics of a food contact surface and shall be designed  
25 and constructed so that cleaning and sanitizing solutions circulate  
26 throughout a fixed system and contact all interior food-contact  
27 surfaces and the system is self-draining or capable of being  
28 completely drained of cleaning and sanitizing solutions.

29 (b) CIP equipment that is not designed to be disassembled for  
30 cleaning shall be designed with inspection access points to ensure  
31 that all interior food-contact surfaces throughout the fixed system  
32 are being effectively cleaned.

33 114132. (a) Except as specified in this section, wood and  
34 wood wicker shall not be used as a food-contact surface.

35 (b) Hard maple or an equivalently hard, close-grained wood  
36 may be used for cutting boards, cutting blocks, bakers' tables,  
37 utensils such as rolling pins, doughnut dowels, salad bowls, and  
38 chopsticks, wooden paddles used in confectionery operations for  
39 pressure scraping kettles when manually preparing confections at

1 a temperature of 230°F or above, and cedar planks used for  
2 grilling or baking seafood.

3 (c) Whole, uncut, raw fruits and vegetables and nuts in the  
4 shell may be kept in wood shipping containers until the fruits,  
5 vegetables, or nuts are used.

6 (d) When wood or wood shipping containers become cracked,  
7 splintered, or otherwise damaged, they shall be refurbished or  
8 replaced.

9 114133. (a) Except as specified in subdivision (b), copper  
10 and copper alloys such as brass may not be used in contact with a  
11 food that has a pH below six, such as vinegar, fruit juice, or wine,  
12 or for a fitting or tubing installed between a backflow prevention  
13 device and a carbonator.

14 (b) Copper and copper alloys may be used in contact with beer  
15 brewing ingredients that have a pH below six in the  
16 prefermentation and fermentation steps of a beer brewing  
17 operation, such as a brewpub or microbrewery.

18 114135. Sponges shall not be used in contact with cleaned  
19 and sanitized or in-use food-contact surfaces.

20 114137. Except for hot oil cooking or filtering equipment,  
21 “V” type threads shall not be used on food-contact surfaces.

22 114139. Cutting or piercing parts of can openers shall be  
23 readily removable for cleaning and for replacement.

24 114141. Lubricants shall be applied to food-contact surfaces  
25 that require lubrication in a manner that does not contaminate  
26 food or food-contact surfaces. Equipment shall be reassembled  
27 after lubrication so that food contact surfaces are not  
28 contaminated. Only approved food grade lubricants shall be used  
29 for this purpose.

30 114143. Notwithstanding any of the provisions of this part,  
31 neither the department nor any city, county, city and county air  
32 pollution control district, or air quality management district shall  
33 require the enclosure of an open-air barbecue or outdoor  
34 wood-burning oven if the enforcement officer determines that the  
35 barbecue or wood-burning oven meets all of the following  
36 requirements:

37 (a) The open-air barbecue or outdoor wood-burning oven is  
38 operated on the same premises as, in reasonable proximity to,  
39 and in conjunction with, a permanent food facility that is

1 approved for food preparation, or a temporary food facility or a  
2 mobile food facility that is operating at a community event.

3 (b) The open-air barbecue or outdoor wood-burning oven is  
4 not operated in, or out of, any motor vehicle, or in any area or  
5 location that may constitute a fire hazard, as determined by the  
6 enforcement officer.

7 (c) The open-air barbecue or outdoor wood-burning oven is  
8 separated from public access to prevent food contamination or  
9 injury to the public by using ropes or other approved methods.

10 (d) If the open-air barbecue or outdoor wood-burning oven is  
11 a permanent structure, it shall be equipped with an impervious  
12 and easily cleanable floor surface that extends a minimum of five  
13 feet from the open-air barbecue or outdoor wood-burning oven  
14 facility on all open sides.

15 (e) Sanitary facilities, including, but not limited to, toilet  
16 facilities and handwashing facilities shall be available for use  
17 within 200 feet in travel distance of the open-air barbecue or  
18 outdoor wood-burning oven and shall comply with all provisions  
19 of this part.

20 (f) For purposes of this part, the permanent food facility or  
21 approved nonpermanent food facility shall be deemed to be the  
22 operator of the open-air barbecue or outdoor wood-burning oven,  
23 and shall be responsible for ensuring that it is operated in full  
24 compliance with this part.

25 114145. Vending machines shall meet all applicable  
26 requirements of this part and shall comply with the following:

27 (a) Each vending machine or machine location shall have  
28 posted in a prominent place a sign indicating the owner's name,  
29 address, and telephone number.

30 (b) Wet storage of prepackaged products is prohibited.

31 (c) Potentially hazardous food shall be dispensed to the  
32 consumer in the original package into which it was placed at the  
33 commissary or food processing plant. Bulk potentially hazardous  
34 food is prohibited.

35 (d) Single-use articles that are used in machines dispensing  
36 products in bulk shall be obtained in sanitary packages. The  
37 single-use articles shall be stored in the original package until  
38 introduced into the container magazine or dispenser of the  
39 vending machine.

1 (e) A record of cleaning and sanitizing shall be maintained by  
2 the operator in each machine and shall be current for at least the  
3 past 30 days.

4 (f) All vending machines shall be constructed in accordance  
5 with applicable NSF International or National Automatic  
6 Merchandizing Association standards, or the equivalent thereof.

7 (g) If located outside, a vending machine shall be provided  
8 with overhead protection.

9 (h) The dispensing compartment of a vending machine shall  
10 be equipped with a self-closing door or cover if the machine is  
11 located in an outside area that does not otherwise afford the  
12 protection of an enclosure against the rain, windblown debris,  
13 insects, rodents, and other contaminants that are present in the  
14 environment, or if the machine is available for self-service during  
15 hours when it is not under the full-time supervision of an  
16 employee.

17  
18 Article 2. Ventilation  
19

20 114149. (a) All areas of a food facility shall have sufficient  
21 ventilation to facilitate proper food storage and to provide a  
22 reasonable condition of comfort for each employee, consistent  
23 with the job performed by the employee.

24 (b) Toilet rooms shall be vented to the outside air by means of  
25 an openable, screened window, an air shaft, or a  
26 light-switch-activated exhaust fan, consistent with the  
27 requirements of local building codes.

28 114149.1. (a) Mechanical exhaust ventilation equipment  
29 shall be provided over all cooking equipment as required to  
30 effectively remove cooking odors, smoke, steam, grease, heat,  
31 and vapors. All mechanical exhaust ventilation equipment shall  
32 be installed and maintained in accordance with the Uniform  
33 Mechanical Code, except that for units subject to Part 2  
34 (commencing with Section 18000) of Division 13, an alternative  
35 code adopted pursuant to Section 18028 shall govern the  
36 construction standards.

37 (b) Restricted food service facilities shall be exempt from  
38 subdivision (a), but shall still provide ventilation to remove  
39 gases, odors, steam, heat, grease, vapors and smoke from the  
40 food facility. In the event that the enforcement officer determines

1 that the ventilation must be mechanical in nature, the ventilation  
2 shall be accomplished by methods approved by the enforcement  
3 agency.

4 (c) This section shall not apply to cooking equipment when the  
5 equipment has been submitted to the local enforcement agency  
6 for evaluation, and the local enforcement agency has found that  
7 the equipment does not produce toxic gases, smoke, grease,  
8 vapors, or heat when operated under conditions recommended by  
9 the manufacturer. The local enforcement agency may recognize a  
10 testing organization to perform any necessary evaluations.

11 (d) Makeup air shall be provided at the rate of that exhausted.

12 114149.2. (a) Every hood shall be installed to provide for  
13 thorough cleaning of all interior and exterior surfaces, including,  
14 but not limited to, the hood, filters, piping, lights, troughs,  
15 hangers, flanges, and exhaust ducts.

16 (b) Exhaust ventilation hood systems in food preparation and  
17 warewashing areas, including components such as hoods, fans,  
18 guards, and ducting, shall be designed to prevent grease or  
19 condensation from draining or dripping onto food, equipment,  
20 utensils, linens, and single-use articles.

21 (c) Filters or other grease extracting equipment shall be  
22 designed to be readily removable for cleaning and replacement if  
23 not designed to be cleaned in place.

24 (d) Every joint and seam shall be substantially tight. No solder  
25 shall be used, except for sealing a joint or seam.

26 (e) When grease gutters are provided they shall drain to a  
27 collecting receptacle fabricated, designed, and installed to be  
28 readily accessible for cleaning.

29 (f) Exhaust hood ducting shall meet the following  
30 requirements:

31 (1) All seams in the duct shall be completely tight to prevent  
32 the accumulation of grease.

33 (2) The ducts shall have sufficient clean-outs to make the  
34 ducts readily accessible for cleaning.

35 (3) All ducts in the exhaust system shall be properly sloped.

36 (4) Intake and exhaust air ducts shall be cleaned and filters  
37 changed so they are not a source of contamination by dust, dirt,  
38 and other materials.

39 114149.3. Heating, ventilating, and air conditioning systems  
40 shall be designed and installed so that make-up air intake and



1 exhaust vents do not cause contamination of food, food-contact  
2 surfaces, equipment, or utensils and do not create air currents that  
3 cause difficulty in maintaining the required temperatures of  
4 potentially hazardous foods.

5  
6 Article 3. Location and Installation  
7

8 114153. Equipment for cooling and heating food and for  
9 holding cold and hot food shall be sufficient in number and  
10 capacity to ensure proper food temperature control during  
11 transportation and operation as specified in Section 113996 .

12 114155. (a) Except as specified in subdivision (b), molluscan  
13 shellfish life support system display tanks shall not be used to  
14 display shellfish that are offered for human consumption and  
15 shall be conspicuously marked so that it is obvious to the  
16 consumer that the shellfish are for display only.

17 (b) Molluscan shellfish life-support system display tanks that  
18 are used to store and display shellfish that are offered for human  
19 consumption shall be operated and maintained in accordance  
20 with a HACCP plan that is submitted by the permit holder and  
21 approved by the enforcement agency, and ensures all of the  
22 following:

23 (1) Water used with fish other than molluscan shellfish does  
24 not flow into the molluscan tank.

25 (2) The safety and quality of the shellfish as they were  
26 received are not compromised by the use of the tank.

27 (3) The identity of the source of the shellstock is retained as  
28 required in Section 114039.1.

29 114157. (a) A thermometer shall be provided for each  
30 refrigeration unit.

31 (b) The thermometer shall be located to indicate the air  
32 temperature in the warmest part of the unit and, except for  
33 vending machines, shall be affixed to be readily visible.

34 (c) Except as specified in subdivision (d), cold or hot holding  
35 equipment used for potentially hazardous food shall be designed  
36 to include and shall be equipped with at least one integral or  
37 permanently affixed temperature measuring device that is located  
38 to allow easy viewing of the device's temperature display.  
39 Alternative hot or cold holding equipment can be equipped with  
40 approved product mimicking sensors placed in devices located in

1 the warmest part of the mechanically refrigerated unit in lieu of  
2 an ambient air sensor.

3 (d) Subdivision (c) shall not apply to equipment for which the  
4 placement of a temperature measuring device is not a practical  
5 means for measuring the ambient air surrounding the food  
6 because of the design, type, and use of the equipment, such as  
7 calrod units, heat lamps, cold plates, bainmaries, steam tables,  
8 insulated food transport containers, and salad bars.

9 (e) Temperature measuring devices shall be easily readable  
10 and have a numerical scale, printed record, or digital readout in  
11 increments no greater than 2°F or over the intended range of use.

12 114159. (a) Except for vending machines, an accurate, easily  
13 readable, metal probe thermometer suitable for measuring the  
14 temperature of food shall be readily available on the premises of  
15 each food facility holding potentially hazardous food.

16 (b) A food temperature measuring device with a suitable  
17 small-diameter probe that is designed to measure the temperature  
18 of thin masses shall be provided and readily accessible to  
19 accurately measure the temperature in thin foods such as meat  
20 patties and fish fillets.

21 (c) Food temperature measuring devices that are scaled only in  
22 Fahrenheit shall be accurate to  $\pm 2^\circ\text{F}$  in the intended range of use.

23 (d) Food temperature measuring devices shall not have sensors  
24 or stems constructed of glass, except that thermometers with  
25 glass sensors or stems that are encased in a shatterproof coating,  
26 such as candy thermometers, may be used.

27 114161. (a) Except as specified in subdivision (b),  
28 equipment, a cabinet used for the storage of food, or a cabinet  
29 that is used to store cleaned and sanitized equipment, utensils,  
30 laundered linens, and single-use articles shall not be in any of the  
31 following locations:

32 (1) In locker rooms.

33 (2) In toilet rooms.

34 (3) In refuse rooms.

35 (4) In mechanical rooms.

36 (5) Under sewer lines that are not shielded to intercept  
37 potential drips.

38 (6) Under leaking water lines, including leaking automatic fire  
39 sprinkler heads, or under lines on which water has condensed.

40 (7) Under open stairwells.

1 (8) Under other sources of contamination.

2 (b) If a mechanical clothes washer or dryer is provided, it shall  
3 be located so that the washer or dryer is protected from  
4 contamination and located only where there is no exposed food,  
5 clean equipment, utensils, and linens, and unwrapped single-use  
6 articles.

7 114163. (a) Except as specified in subdivision (b), a food  
8 preparation sink shall be provided in permanent food facilities for  
9 the washing, rinsing, soaking, thawing, or similar preparation of  
10 foods.

11 (1) The food preparation sink shall have a minimum  
12 dimension of 18 inches by 18 inches in length and width and 12  
13 inches in depth with an integral drainboard or adjacent table at  
14 least 18 inches by 18 inches in length and width.

15 (2) The food preparation sink shall be located in the food  
16 preparation area, provided exclusively for food preparation, and  
17 accessible at all times.

18 (3) The sink shall be equipped with an adequate supply of hot  
19 and cold running water through a mixing valve.

20 (b) (1) Food facilities that were approved for operation  
21 without a food preparation sink prior to the effective date of this  
22 part need not provide a food preparation sink unless the food  
23 facility makes a menu change or changes their method of  
24 operation.

25 (2) The enforcement officer may approve other methods where  
26 the installation of a food preparation sink would not be readily  
27 feasible.

28 114165. Dollies, pallets, racks, and skids used to store and  
29 transport large quantities of prepackaged foods received from a  
30 supplier in a cased or overwrapped lot; shall be designed to be  
31 moved by hand or by conveniently available hand trucks or  
32 forklifts.

33 114167. Beverage tubing and cold-plate beverage cooling  
34 devices shall not be installed in contact with stored ice intended  
35 to be used for food or beverages. This section shall not apply to  
36 cold plates that are constructed integrally with an ice storage bin.

37 114169. (a) Equipment that is fixed because it is not easily  
38 movable shall be installed so that it is:

39 (1) Spaced to allow access for cleaning along the sides,  
40 behind, and above the equipment.

(2) Spaced from adjoining equipment, walls, and ceilings a distance of not more than one millimeter or one thirty-second inch.

(3) Sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Except as specified in subdivisions (c) and (d), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six-inch clearance between the floor and the equipment.

(c) Notwithstanding subdivision (b), this section shall not apply to display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a food facility if the floor under the units is maintained clean.

(d) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being sealed to the table ~~and~~ or elevated on legs that provide at least a four-inch clearance between the table and the equipment.

114171. Liquid waste drain lines shall not pass through an ice machine or ice storage bin.

114172. All pressurized cylinders shall be securely fastened to a rigid structure.

#### Article 4. Maintenance and Operation

114175. Equipment and utensils shall be kept clean, fully operative, and in good repair.

114177. Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

114178. (a) Except as specified in subdivision (d), cleaned equipment and utensils, laundered linens, and single-use articles shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.

(b) Clean equipment and utensils shall be stored as specified in subdivision (a) and shall be stored covered or inverted in a self-draining position that allows air drying.

1 (c) Single-use articles shall be stored as specified under  
2 subdivision (a) and shall be kept in the original protective  
3 package or stored by using other means that afford protection  
4 from contamination until used.

5 (d) Items that are kept in closed packages may be stored less  
6 than six inches above the floor on dollies, pallets, racks, and  
7 skids that are designed as to be easily movable.

8 114179. (a) Except as specified in subdivision (b), cleaned  
9 and sanitized equipment, utensils, laundered linens, and  
10 single-use articles shall not be stored in any of the following  
11 locations:

12 (1) In locker rooms.

13 (2) In toilet rooms.

14 (3) In refuse rooms.

15 (4) In mechanical rooms.

16 (5) Under sewer lines that are not shielded to intercept  
17 potential drips.

18 (6) Under leaking water lines including leaking automatic fire  
19 sprinkler heads or under lines on which water has condensed.

20 (7) Under open stairwells.

21 (8) Under other sources of contamination.

22 (b) Laundered linens and single-use articles that are packaged  
23 or in a storage compartment may be stored in a locker room.

24 114180. (a) A reservoir that is used to supply water to a  
25 device such as a produce fogger shall be maintained in  
26 accordance with manufacturer's specifications and cleaned in  
27 accordance with manufacturer's specifications or according to  
28 the procedures specified in subdivision (b), whichever is more  
29 stringent.

30 (b) Cleaning procedures shall include at least the following  
31 steps and shall be conducted at least once a week:

32 (1) Draining and complete disassembly of the water and  
33 aerosol contact parts.

34 (2) Brush-cleaning the reservoir, aerosol tubing, and discharge  
35 nozzles with a suitable detergent solution.

36 (3) Flushing the complete system with water to remove the  
37 detergent solution and particulate accumulation.

38 (4) Rinsing by immersing, spraying, or swabbing the reservoir,  
39 aerosol tubing, and discharge nozzles with an approved sanitizer  
40 as specified in Section 114099.6.

(c) No fogging devices installed after the effective date of this part shall use a reservoir for holding water for fogging, but shall employ water under pressure for fogging or misting of foods.

114182. Electrical power shall be supplied at all times to operate the approved exhaust, lighting, electric water heaters and refrigeration units, and any other accessories and appliances that may be installed in a food facility.

#### Article 5. Linens

114185. Linen shall not be used in contact with food unless they are used to line a container for the service of foods and the linens are replaced each time the container is refilled for a new consumer and laundered prior to reuse.

114185.1. (a) Wiping cloths that are in use for cleaning food spills shall not be used for any other purpose.

(b) Cloths used for wiping food spills shall be dry and used for cleaning food spills from tableware and carry-out containers or used only once, or if used repeatedly, held in a sanitizing solution of an approved concentration as specified in Section 114099.2.

(c) Dry or wet cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.

(d) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

(e) Working containers of sanitizing solutions for storage of in-use wiping cloths shall be used in a manner to prevent contamination of food, equipment, utensils, linens, or single-use articles.

114185.2. Clean linens shall be free of food residues and other soiling matter.

114185.3. (a) Linens that do not come in direct contact with food shall be laundered when they become wet, sticky, or visibly soiled.

(b) Cloth gloves shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, fish and poultry.

(c) Cloth napkins shall be laundered between each use.

1 (d) Wet wiping cloths shall be laundered daily.

2 (e) Dry wiping cloths shall be laundered as necessary to  
3 prevent contamination of food and clean serving utensils.

4 114185.4. (a) Adequate and suitable space shall be provided  
5 for the storage of clean linens.

6 (b) Soiled linens shall be kept in clean, nonabsorbent  
7 receptacles or clean, washable laundry bags and stored and  
8 transported to prevent contamination of food, clean equipment,  
9 clean utensils, and single-use articles.

10 114185.5. (a) Laundry facilities on the premises of a food  
11 facility shall be used only for the washing and drying of items  
12 used in the operation of the establishment.

13 (b) If work clothes or linens are laundered on the premises, a  
14 mechanical clothes washer and dryer shall be provided and used.

15  
16 CHAPTER 7. WATER, PLUMBING, AND WASTE

17  
18 Article 1. Water

19  
20 114189. The enforcement agency may monitor and enforce  
21 the potable drinking water standards in the California Safe  
22 Drinking Water Act (Chapter 4 commencing with Section  
23 116275) for purposes of enforcing this part and compliance with  
24 any requirements with regard to potable water, as defined in  
25 Section 113869.

26 114189.1. Chemicals used as boiler water additives shall  
27 meet the requirements specified in 21 C.F.R. 173.310.

28 114190. All plumbing and plumbing fixtures shall be  
29 installed in compliance with applicable local plumbing  
30 ordinances, shall be maintained so as to prevent any  
31 contamination, and shall be kept clean, fully operative, and in  
32 good repair.

33 114192. (a) An adequate, protected, pressurized, potable  
34 supply of hot water and cold water shall be provided. Hot water  
35 shall be supplied at a minimum temperature of at least 120°F  
36 measured from the faucet, unless otherwise specified in this part.  
37 The water supply shall be from a water system approved by the  
38 health officer or the local enforcement agency.

39 (b) Any hose used for conveying potable water shall be  
40 constructed of nontoxic materials, shall be used for no other

1 purpose, and shall be clearly labeled as to its use. The hose shall  
2 be stored and used so as to be kept free of contamination.

3 (c) The potable water supply shall be protected with a  
4 backflow or back siphonage protection device when required by  
5 applicable plumbing codes. Exposed piping of a nonpotable  
6 water system shall be identified so that it is readily  
7 distinguishable from piping that carries potable water.

8 114192.1. (a) Water under pressure shall be permanently  
9 plumbed to all fixtures, equipment, and nonfood equipment that  
10 are required to use water, except for water supplied to  
11 nonpermanent food facilities.

12 (b) Water under pressure shall be provided at a sufficient level  
13 as specified by the Uniform Plumbing Code and manufacturer's  
14 specifications for equipment and fixtures in the food facility.

15 114193. (a) All steam tables, ice machines and bins, food  
16 preparation sinks, warewashing sinks, display cases, walk-in  
17 refrigeration units, and other similar equipment that discharge  
18 liquid waste shall be drained by means of indirect waste pipes,  
19 and all wastes drained by them shall discharge through an airgap  
20 into a floor sink or other approved type of receptor.

21 (b) Drainage from reach-in refrigeration units shall be  
22 conducted in a sanitary manner to a floor sink or other approved  
23 device by an indirect connection or to a properly installed and  
24 functioning evaporator.

25 (c) Indirect waste receptors shall be located to be readily  
26 accessible for inspection and cleaning.

27 (d) Warewashing machines may be connected directly to the  
28 sewer immediately downstream from a floor drain, or they may  
29 be drained through an approved indirect connection.

30 (e) Warewashing sinks in use on January 1, 1996, that are  
31 directly plumbed may be continued in use. This section does not  
32 require warewashing sinks to be indirectly plumbed when the  
33 local building official determines that the sink should be directly  
34 plumbed.

35 114193.1. An air gap between the water supply inlet and the  
36 flood level rim of the plumbing fixture, equipment, or nonfood  
37 equipment shall be at least twice the diameter of the water supply  
38 inlet and may not be less than one inch.



1 114195. (a) The water source and system shall be of  
2 sufficient capacity to meet the peak water demands of the food  
3 facility.

4 (b) Hot water generation and distribution systems shall be  
5 sufficient to meet the peak hot water demands throughout the  
6 food facility.

7  
8 Article 2. Liquid Waste  
9

10 114197. Liquid waste shall be disposed of through the  
11 approved plumbing system and shall discharge into the public  
12 sewerage or into an approved private sewage disposal system.

13 114199. Equipment compartments that are subject to  
14 accumulation of moisture due to conditions such as condensation,  
15 food or beverage drip, or water from melting ice, shall be sloped  
16 to an outlet that allows for complete draining.

17 114201. (a) If provided, a grease trap or grease interceptor  
18 shall not be located in a food or utensil handling area unless  
19 specifically approved by the enforcement agency.

20 (b) Grease traps and grease interceptors shall be easily  
21 accessible for servicing.

22 (c) Notwithstanding subdivision (a), those food facilities  
23 approved with a grease trap or grease interceptor that are in  
24 operation before the effective date of this part are not required to  
25 comply with this section.

26  
27 Article 3. Mobile Water and Wastewater Tanks  
28

29 114205. (a) Nonpermanent food facilities that handle  
30 nonprepackaged food shall be equipped with potable water and  
31 wastewater tanks, unless approved temporary water and  
32 wastewater connections are provided.

33 (b) Permanent food facilities shall be in compliance with  
34 Sections 114190 to 114201, inclusive.

35 114207. Materials that are used in the construction of potable  
36 water and wastewater tanks and appurtenances shall be safe,  
37 durable, corrosion-resistant, nonabsorbent, and finished to have a  
38 smooth, easily cleanable surface.

39 114209. Potable water tanks and wastewater tanks shall be  
40 sloped to an outlet that ensures complete drainage of the tank and

1 designed and constructed so as to be easily and completely  
2 drained.

3 114211. (a) The water system shall be designed and  
4 constructed using materials that enable water to be introduced  
5 without contamination.

6 (b) All tanks, line couplings, valves, and all other plumbing  
7 shall be designed, installed, maintained, and constructed of  
8 materials that will not contaminate the water supply, food,  
9 utensils, or equipment.

10 (c) All waste lines shall be connected to wastewater tanks with  
11 watertight seals.

12 (d) Any connection to a wastewater tank shall preclude the  
13 possibility of contaminating any food, food-contact surface, or  
14 utensil.

15 114213. (a) Any potable water or wastewater tank mounted  
16 within a mobile food facility or mobile support unit shall have an  
17 air vent overflow provided in a manner that will prevent potential  
18 flooding of the interior of the facility.

19 (b) If provided, a water tank vent shall terminate in a  
20 downward direction and shall be covered with 16 mesh per  
21 square inch screen or equivalent when the vent is in a protected  
22 area or a protective filter when the vent is in an area that is not  
23 protected from windblown dirt and debris.

24 114215. Hoses used in conjunction with nonpermanent food  
25 facilities shall meet all of the following requirements:

26 (a) A hose used for conveying potable water from a water tank  
27 shall be:

28 (1) Safe.

29 (2) Durable, corrosion-resistant, and nonabsorbent.

30 (3) Resistant to pitting, chipping, crazing, scratching, scoring,  
31 distortion, and decomposition.

32 (4) Finished with a smooth interior surface.

33 (5) Protected from contamination at all times.

34 (6) Clearly and durably identified as to its use if not  
35 permanently attached.

36 (b) Liquid waste lines shall not be the same color as hoses  
37 used for potable water.

38 (c) Hoses used on a mobile food facility or a mobile support  
39 unit and potable water tank connectors shall have matching  
40 connecting devices. Devices for external cleaning shall not be

used for potable water purposes on the mobile food facility. Hoses and faucets equipped with quick connect and disconnect devices for these purposes shall be deemed to meet the requirements of this subdivision. Exterior hose-connection valves shall be attached to mobile food facilities or mobile support units and shall be located above the ground with an approved water connection.

114217. (a) A potable water tank of sufficient capacity to furnish an adequate quantity of potable water for food preparation, ~~cleaning~~ warewashing, and handwashing purposes shall be provided for nonpermanent food facilities.

(b) *At least five gallons of water shall be provided exclusively for handwashing for each nonpermanent food facility. Any water need for other purposes shall be in addition to the five gallons for handwashing.*

~~(b)~~  
(c) Except as specified in subdivision ~~(e)~~, ~~at least 30~~ (d), at least 25 gallons of water shall be provided for food preparation and warewashing.

~~(e)~~  
(d) At least 15 gallons of water shall be provided for ~~limited food preparation where warewashing is conducted.~~ nonpermanent food facilities that conduct limited food preparation.

~~(d) At least five gallons of water shall be provided exclusively for handwashing for each nonpermanent food facility. Any water needed for other purposes shall be in addition to the five gallons for handwashing.~~

(e) The water delivery system shall deliver at least one gallon per minute to each sink basin.

114219. A potable water tank shall be enclosed from the filling inlet to the discharge outlet and emptied to ensure complete drainage of the tank.

114221. (a) Water tanks shall be designed with an access port for inspection and cleaning. The access port shall be in the top of the tank and flanged upward at least one-half inch and equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place and flanged to overlap the opening and sloped to drain.

(b) Notwithstanding subdivision (a), water tanks that are not accessible for inspection may comply with this section by submitting written operational procedures for the cleaning and sanitizing of the potable water tank. The enforcement agency shall review and approve the procedures prior to implementation and an approved copy shall be kept on the mobile food facility during hours of operation.

114223. A fitting with “V” type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

114225. (a) Potable water tanks shall be installed in a manner that will allow water to be filled with an easily accessible inlet.

(b) A potable water tank’s inlet and outlet shall be positioned so that they are protected from contaminants such as waste discharge, dust, oil, or grease.

(c) Nonpermanent food facilities shall be provided with a connection of a size and type that will prevent its use for any other service and shall be constructed so that backflow and other contamination of the water supply is prevented.

114227. A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and potable water system when compressed air is used to pressurize the water tank system.

114229. If not in use, a potable water tank and hose inlet and outlet fitting shall be protected using a cap and keeper chain, quick disconnect, closed cabinet, closed storage tube, or other approved protective cover or device.

114231. A nonpermanent food facility’s potable water tank inlet shall be three-fourths inch in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service.

114233. A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

114235. A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

114238. A water tank, pump, and hoses used for conveying potable water shall not be used for any other purpose.

1 114239. (a) Potable water tanks may be constructed in a  
2 manner that will allow for a potable water tank to be removed  
3 from within the nonpermanent food facility compartments for  
4 refilling or replacing.

5 (b) Refilling of a potable water tank shall be conducted  
6 through an approved and sanitary method, such as at the  
7 commissary.

8 (c) Storage of any prefilled water tank, or empty and clean  
9 water tanks, or both, shall be within the nonpermanent food  
10 facility or in an approved manner that will protect against  
11 contamination.

12 114240. (a) Wastewater tanks shall be of a capacity  
13 commensurate with the level of food handling activity.

14 (b) Wastewater tanks shall have a minimum capacity that is 50  
15 percent greater than the potable water tanks. In no case shall the  
16 wastewater capacity be less than 7.5 gallons. Where potable  
17 water for the preparation of a food or beverage is supplied, an  
18 additional wastewater tank capacity equal to at least 15 percent  
19 of the water supply shall be provided.

20 (c) Additional wastewater tank capacity may be required  
21 where wastewater production is likely to exceed tank capacity.

22 (d) Where ice is utilized in the storage, display, or service of  
23 food or beverages, an additional minimum wastewater holding  
24 tank shall be provided with a capacity equal to one-third of the  
25 volume of the ice cabinet to accommodate the drainage of ice  
26 melt.

27 (e) Wastewater tanks on nonpermanent food facilities shall be  
28 equipped with a shut-off valve.

29 114241. (a) Wastewater tanks may be constructed in a  
30 manner that will allow the wastewater tank to be removed from  
31 within the approved nonpermanent food facility compartments  
32 for replacing.

33 (b) Retail food operations shall cease during removal and  
34 replacement of tanks.

35 (c) Sewage and other liquid wastes shall be removed from a  
36 nonpermanent food facility at an approved waste servicing area  
37 or by an approved sewage transport vehicle in such a way that a  
38 public health hazard or nuisance is not created.

39 114242. Wastewater tanks shall be thoroughly flushed and  
40 drained in a sanitary manner during the servicing operation.

## Article 4. Refuse

114244. (a) Each food facility shall be provided with any facilities and equipment necessary to store or dispose of all waste material.

(b) Waste receptacles shall be provided for use by consumers.

(c) A receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

114245. (a) An area designated for refuse, recyclables, returnables, and a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

(b) Receptacles and waste handling units for refuse, recyclables, and returnables shall not be located so as to create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

114245.1. (a) All refuse, recyclables, and returnables shall be kept in nonabsorbent, durable, cleanable, leakproof, and rodentproof containers and shall be contained so as to minimize odor and insect development by covering with close-fitting lids or placement in a disposable bag that is impervious to moisture and then sealed.

(b) Trash containers inside a food facility need not be covered during periods of operation.

(c) All refuse shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

(d) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

(e) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

114245.2. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

1 114245.3. If located within the food facility, a storage area  
2 for refuse, recyclables, and returnables shall meet the  
3 requirements for floors, walls, ceilings, and vermin exclusion as  
4 specified in this part.

5 114245.4. If provided, an outdoor storage area or enclosure  
6 used for refuse, recyclables, and returnables shall be constructed  
7 of nonabsorbent material such as concrete or asphalt and shall be  
8 easily cleanable, durable, and sloped to drain.

9 114245.5. Receptacles and waste handling units for refuse  
10 and recyclables shall be installed so that accumulation of debris  
11 and insect and rodent attraction and harborage are minimized and  
12 effective cleaning is facilitated around and, if the unit is not  
13 installed flush with the base pad, under the unit.

14 114245.6. (a) Receptacles and waste handling units for  
15 refuse, recyclables, and returnables shall be thoroughly cleaned  
16 in a way that does not contaminate food, equipment, utensils,  
17 linens, or single-service and single-use articles, and wastewater  
18 shall be disposed of as specified under Section 114241.

19 (b) Soiled receptacles and waste handling units for refuse,  
20 recyclables, and returnables shall be cleaned at a frequency  
21 necessary to prevent them from developing a buildup of soil or  
22 becoming attractants for insects and rodents.

23 114245.7. (a) Except as specified in subdivision (b), suitable  
24 cleaning implements and supplies such as high pressure pumps,  
25 hot water, steam, and detergent shall be provided as necessary for  
26 effective cleaning of receptacles and waste handling units for  
27 refuse, recyclables, and returnables.

28 (b) If approved, off-premises-based cleaning services may be  
29 used if on-premises cleaning implements and supplies are not  
30 provided.

31 114245.8. All animal byproducts and inedible kitchen grease  
32 disposed of by any food facility shall be transported by a renderer  
33 licensed under Section 19300 of the Food and Agricultural Code,  
34 or a registered transporter of inedible kitchen grease licensed  
35 under Section 19310 of the Food and Agricultural Code. Nothing  
36 in this section prevents a food facility from transporting its own  
37 animal byproducts in its own vehicles to a central collection  
38 point. For the purposes of this section, inedible kitchen grease  
39 does not include grease recovered from a grease interceptor.

## CHAPTER 8. PHYSICAL FACILITIES

## Article 1. Toilet Facilities

114250. Clean toilet rooms in good repair shall be provided and conveniently located and accessible for use by employees during all hours of operation. The number of toilet facilities required shall be in accordance with applicable local building and plumbing ordinances. Toilet rooms shall not be used for the storage of food, equipment, or supplies. Toilet tissue shall be provided in a permanently installed dispenser at each toilet.

114250.1. (a) Food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises shall not be required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet in travel distance of each food facility and are readily available for use by employees. Food facilities subject to this section shall be provided with approved handwashing facilities for employee use.

(b) Notwithstanding subdivision (a), food facilities approved prior to the effective date of this part with toilet facilities within 300 feet are not required to meet the 200 foot requirement.

## Article 2. Lighting

114252. In every room and area in which any food is prepared, manufactured, processed, or prepackaged, or in which equipment or utensils are cleaned, sufficient natural or artificial lighting shall be provided to produce the following light intensity, while the area is in use:

(a) At least 10-foot candles at a distance of 30 inches above the floor, in walk-in refrigeration units and dry food storage areas.

(b) At least 20-foot candles for the following:

(1) At a surface where food is provided for consumer self-service or where fresh produce or prepackaged foods are sold or offered for consumption.

(2) Inside equipment such as reach-in and under-counter refrigerators.



1 (3) At a distance of 30 inches above the floor in areas used for  
2 handwashing, warewashing, and equipment and utensil storage,  
3 and in toilet rooms.

4 (c) At least 50-foot candles at a surface where a food  
5 employee is working with food or working with utensils or  
6 equipment such as knives, slicers, grinders, or saws where  
7 employee safety is a factor and in other areas and rooms during  
8 periods of cleaning.

9 114252.1. (a) Except as specified in subdivision (b), light  
10 bulbs shall be shielded, coated, or otherwise shatter-resistant in  
11 areas where there is nonprepackaged ready-to-eat food, clean  
12 equipment, utensils, and linens, or unwrapped single-use articles.

13 (b) Shielded, coated, or otherwise shatter-resistant bulbs need  
14 not be used in areas used only for storing prepackaged food in  
15 unopened packages, if the integrity of the packages cannot be  
16 affected by broken glass falling onto them and the packages are  
17 capable of being cleaned of debris from broken bulbs before the  
18 packages are opened.

19 (c) Infrared and other heat lamps shall be protected against  
20 breakage by a shield surrounding and extending beyond the bulb  
21 so that only the face of the bulb is exposed, or by using approved  
22 coated shatter resistant bulbs.

### 23 24 Article 3. Poisonous and Toxic Materials 25

26 114254. (a) Only those insecticides, rodenticides, and other  
27 pesticides that are necessary and specifically approved for use in  
28 a food facility may be used. The use shall be in accordance with  
29 the manufacturer's instructions.

30 (b) All poisonous substances, detergents, bleaches, cleaning  
31 compounds, and all other injurious or poisonous materials shall  
32 be stored and used only in a manner that is not likely to cause  
33 contamination or adulteration of food, food-contact surfaces,  
34 utensils, or packaging materials.

35 (c) A container previously used to store poisonous or toxic  
36 materials shall not be used to store, transport, or dispense food,  
37 utensils, and linen.

38 114254.1. (a) Containers of poisonous or toxic materials and  
39 personal care items shall bear a legible manufacturer's label.

(b) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.

114254.2. (a) Except as specified in subdivision (b), poisonous or toxic materials shall be stored or displayed so they can not contaminate food, equipment, utensils, linens, and single-use articles by separating the poisonous or toxic materials by spacing or partitioning and locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-use articles.

(b) Equipment and utensil cleaners and sanitizers may be stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-use articles.

114254.3. A container previously used to store poisonous or toxic materials shall not be used to store, transport, or dispense food, utensils, or single-use articles.

#### Article 4. Employee Storage Areas

114256. (a) Areas designated for employees to eat and drink shall be located so that food, equipment, linens, and single-use articles are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-use articles cannot occur.

114256.1. (a) Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other possessions.

(b) Dressing rooms or dressing areas shall be provided and used by employees if the employees regularly change their clothes in the facility.

(c) Supervised care facilities, restricted food service facilities, and nonpermanent food facilities shall not be required to comply with subdivision (a), but no person shall store clothing or personal effects in any area used for the storage and preparation of food.

114256.2. Medicines that are in a food facility for the employees' use shall be labeled and stored so as to prevent the

1 contamination of food, equipment, utensils, linens, and single-use  
2 articles. This section does not apply to medicines that are stored  
3 or displayed for retail sale.

4 114256.3. Medicines belonging to employees or to children  
5 in a day care center that require refrigeration and are stored in a  
6 food refrigerator shall be stored in a package or container and  
7 kept inside a covered, leakproof container that is identified as a  
8 container for the storage of medicines and located so they are  
9 inaccessible to children.

10 114256.4. First aid supplies that are in a food facility for the  
11 employees' use shall be labeled with a legible manufacturer's  
12 label and stored in a kit or a container that is located to prevent  
13 the contamination of food, equipment, utensils, linens, and  
14 single-use articles.

15  
16 Article 5. Premises and Facilities  
17

18 114257. All food facilities and all equipment, utensils, and  
19 facilities shall be kept clean, fully operative, and in good repair.

20 114257.1. The premises of a food facility shall be free of  
21 litter and items that are unnecessary to the operation or  
22 maintenance of the facility, such as equipment that is  
23 nonfunctional or no longer used.  
24

25 Article 6. Vermin and Animals  
26

27 114259. A food facility shall at all times be constructed,  
28 equipped, maintained, and operated as to prevent the entrance  
29 and harborage of animals, birds, and vermin, including, but not  
30 limited to, rodents and insects.

31 114259.1. The premises of each food facility shall be kept  
32 clean and free of vermin.

33 114259.2. Passthrough window service openings shall be  
34 limited to 216 square inches each. The service openings shall not  
35 be closer together than 18 inches. Each opening shall be provided  
36 with a solid or screened window, equipped with a self-closing  
37 device. Screening shall be at least 16 mesh per square inch.  
38 Passthrough windows of up to 432 square inches are approved if  
39 equipped with an air curtain device. The counter surface of the  
40 service openings shall be smooth and easily cleanable.

1 114259.3. (a) Insect control devices that are used to  
2 electrocute or stun flying insects shall be designed to retain the  
3 insect within the device.

4 (b) Insect control devices shall be installed so that the devices  
5 are not located over a food or utensil handling area and dead  
6 insects and insect fragments are prevented from being impelled  
7 onto or falling on nonprepackaged food, clean equipment,  
8 utensils, linens, and unwrapped single-use articles.

9 114259.4. (a) Except as specified in subdivision (b), food  
10 employees shall not care for or handle animals that may be  
11 present, such as patrol dogs, service animals, or pets that are  
12 allowed as specified in subdivision (b) of Section 114259.5.

13 (b) Food employees with service animals may handle or care  
14 for their service animals, and food employees may handle or care  
15 for fish in aquariums or molluscan shellfish or crustacea in  
16 display tanks if they wash their hands as required in this part.

17 114259.5. (a) Except as specified in subdivision (b), live  
18 animals may not be allowed in a food facility.

19 (b) Live animals may be allowed in any of the following  
20 situations if the contamination of food, clean equipment, utensils,  
21 linens, and unwrapped single-use articles cannot result:

22 (1) Edible fish or decorative fish in aquariums, shellfish or  
23 crustacea on ice or under refrigeration, and shellfish and  
24 crustacea in display tank systems.

25 (2) Animals intended for consumption if the live animals are  
26 kept separate from all food and utensil handling areas, are held in  
27 sanitary conditions, are slaughtered in a separate room designed  
28 solely for that purpose and separated from other food and utensil  
29 handling areas, and maintained in an area that has ventilation  
30 separate from food and utensil handling areas.

31 (3) Dogs under the control of a uniformed law enforcement  
32 officer or of uniformed employees of private patrol operators and  
33 operators of a private patrol service who are licensed pursuant to  
34 Chapter 11.5 (commencing with Section 7580) of Division 3 of  
35 the Business and Professions Code, while those employees are  
36 acting within the course and scope of their employment as  
37 private patrol persons.

38 (4) In areas that are not used for food preparation and that are  
39 usually open for customers, such as dining and sales areas,  
40 service animals that are controlled by a disabled employee or

1 person, if a health or safety hazard will not result from the  
2 presence or activities of the service animal.

3 (5) Pets in the common dining areas of restricted food service  
4 facilities and supervised care facilities at times other than during  
5 meals if all of the following conditions are satisfied:

6 (A) Effective partitioning and self-closing doors separate the  
7 common dining areas from food storage or food preparation  
8 areas.

9 (B) Condiments, equipment, and utensils are stored in  
10 enclosed cabinets or removed from the common dining areas  
11 when pets are present.

12 (C) Dining areas including tables, countertops, and similar  
13 surfaces are effectively cleaned before the next meal service.

14 (6) In areas that are not used for food preparation, storage,  
15 sales, display, or dining, in which there are caged animals or  
16 animals that are similarly restricted, such as in a variety store that  
17 sells pets or a tourist park that displays animals.

18 (7) If kept at least 20 feet (6 meters) away from any mobile  
19 food facility, temporary food facility, or certified farmers'  
20 market.

21 (c) Those persons and operators described in paragraphs (3)  
22 and (4) are liable for any damage done to the premises or  
23 facilities by the dog.

24 (d) Live or dead fish bait may be stored if contamination of  
25 food, clean equipment, utensils, linens, and unwrapped single-use  
26 articles cannot result.

## 27 CHAPTER 9. PERMANENT FOOD FACILITIES

28  
29  
30 114265. All permanent food facilities shall meet the  
31 applicable requirements in Chapters 1 to 8, inclusive, and  
32 Chapter 13, unless specifically exempted from any of these  
33 provisions.

### 34 Article 1. Floors, Walls, and Ceilings

35  
36  
37 114266. (a) Each permanent food facility shall be fully  
38 enclosed in a building consisting of permanent floors, walls, and  
39 an overhead structure that meet the minimum standards as  
40 prescribed by this part. Food facilities that are not fully enclosed

1 on all sides and that are in operation on January 1, 1985, shall not  
2 be required to meet the requirements of this section until the  
3 facility is remodeled or has a significant ~~change in its menu~~ *menu*  
4 *change* or its method of operation.

5 (b) Notwithstanding subdivision (a), this section shall not be  
6 construed to require the enclosure of dining areas or any other  
7 operation approved for outdoor food service.

8 (c) Notwithstanding subdivision (a), a produce stand that was  
9 in operation prior to the effective date of this part shall have no  
10 more than one side open to the outside air during business hours.

11 114268. (a) Except in sales areas and as otherwise specified  
12 in subdivision (d), the floor surfaces in all areas in which food is  
13 prepared, prepackaged, or stored, where any utensil is washed,  
14 where refuse or garbage is stored, where janitorial facilities are  
15 located in all toilet and handwashing areas, except with respect to  
16 areas relating to guestroom accommodations and the private  
17 accommodations of owners and operators in restricted food  
18 service facilities, and in employee change and storage areas shall  
19 be smooth and of durable construction and nonabsorbent material  
20 that is easily cleanable.

21 (b) Floor surfaces shall be coved at the juncture of the floor  
22 and wall with a  $\frac{3}{8}$  inch minimum radius coving and shall extend  
23 up the wall at least 4 inches, except in areas where food is stored  
24 only in unopened bottles, cans, cartons, sacks, or other original  
25 shipping containers.

26 (c) Supervised care facilities and public or private schools  
27 constructed or remodeled after the effective date of this part shall  
28 comply with subdivision (b). Supervised care facilities and public  
29 and private schools constructed before the effective date of this  
30 part need not comply with subdivision (b), provided that the  
31 existing floor surfaces are maintained in good repair and in a  
32 sanitary condition.

33 (d) Except for dining and serving areas, the use of sawdust,  
34 wood shavings, peanut hulls, or similar materials is prohibited.

35 (e) This section shall not prohibit the use of approved  
36 dust-arresting floor sweeping and cleaning compounds during  
37 floor cleaning operations or the use of antislip floor finishes or  
38 materials in areas where necessary for safety reasons.

39 114268.1. (a) Except as specified in subdivision (b), only  
40 dustless methods of cleaning such as wet cleaning, vacuum

1 cleaning, mopping with treated dust mops, or sweeping using a  
2 broom and dust-arresting compounds; shall be used in food  
3 facilities.

4 (b) Spills or drippage on floors that occur between normal  
5 floor cleaning times may be cleaned without the use of  
6 dust-arresting compounds and, in the case of liquid spills or  
7 drippage, with the use of a small amount of absorbent compound  
8 such as sawdust or diatomaceous earth applied immediately  
9 before spot cleaning.

10 114269. (a) Upon new construction or extensive remodeling,  
11 floor drains shall be installed in floors that are water-flushed for  
12 cleaning and in areas where pressure spray methods for cleaning  
13 equipment are used. Floor surfaces in areas pursuant to this  
14 subdivision shall be sloped 1:50 to the floor drains.

15 (b) Upon new construction or extensive remodeling, floor  
16 sinks or equivalent devices shall be installed to receive  
17 discharges of water or other liquid waste from equipment.

18 114271. (a) Except as provided in subdivision (b), the walls  
19 and ceilings of all rooms shall be of a durable, smooth,  
20 nonabsorbent, and easily cleanable surface.

21 (b) This section shall not apply to any of the following areas:

22 (1) Walls and ceilings of bar areas in which alcoholic  
23 beverages are sold or served directly to the consumers, except  
24 wall areas adjacent to bar sinks and areas where food is prepared.

25 (2) Areas where food is stored only in unopened bottles, cans,  
26 cartons, sacks, or other original shipping containers.

27 (3) Dining and sales areas.

28 (4) Offices.

29 (5) Restrooms that are used exclusively by the patrons, except  
30 that the walls and ceilings in the restrooms shall be of a  
31 nonabsorbent and washable surface.

32 (c) Acoustical paneling may be utilized if it is installed not  
33 less than six feet above the floor. The paneling shall meet the  
34 other requirements of this section.

35 (d) Conduits of all types shall be installed within walls as  
36 practicable. When otherwise installed, they shall be mounted or  
37 enclosed so as to facilitate cleaning.

38 (e) Attachments to walls and ceilings, such as light fixtures,  
39 mechanical room ventilation system components, vent covers,

1 wall mounted fans, decorative items, and other attachments, shall  
2 be easily cleanable.

3 114272. Mats and duckboards shall be designed to be  
4 removable and easily cleanable.

5  
6 Article 2. Toilet Facilities  
7

8 114276. (a) A permanent food facility shall provide clean  
9 toilet facilities in good repair for use by employees.

10 (b) (1) A permanent food facility shall provide clean toilet  
11 facilities in good repair for patrons, guests, or invitees when there  
12 is onsite consumption of foods or when the food facility was  
13 constructed after July 1, 1984, and has more than 20,000 square  
14 feet of floor space.

15 (2) Notwithstanding Section 113984.1, toilet facilities that are  
16 provided for use by patrons, guests, or invitees shall be in a  
17 location where patrons, guests, and invitees do not pass through  
18 food preparation, food storage, or utensil washing areas to reach  
19 the toilet facilities.

20 (3) For purposes of this section, a building subject to  
21 paragraph (1) that has a food facility with more than 20,000  
22 square feet of floor space shall provide at least one separate toilet  
23 facility for men and one separate toilet facility for women.

24 (4) For purposes of this section, the gas pump area of a service  
25 station that is maintained in conjunction with a food facility shall  
26 not be considered as property used in connection with the food  
27 facility or be considered in determining the square footage of  
28 floor space of the food facility.

29 (c) (1) Toilet rooms shall be separated by well-fitted,  
30 self-closing doors that prevent the passage of flies, dust, or odors.

31 (2) Toilet room doors shall be kept closed except during  
32 cleaning and maintenance operations.

33 (d) Handwashing facilities, in good repair, shall be provided as  
34 specified in Sections 113953 and 113953.3.

35 (e) Any city, county, or city and county may enact ordinances  
36 that are more restrictive than this section.

37 (f) (1) Except as provided in paragraph (1) of subdivision (b),  
38 any building that is constructed before January 1, 2004, that has  
39 a food facility that provides space for the consumption of food on  
40 the premises shall either provide clean toilet facilities in good



1 repair for patrons, guests, or invitees on property used in  
2 connection with, or in, the food facility or prominently post a  
3 sign within the food facility in a public area stating that toilet  
4 facilities are not provided.

5 (2) The first violation of paragraph (1) shall result in a  
6 warning. Subsequent violations shall constitute an infraction  
7 punishable by a fine of not more than two hundred fifty dollars  
8 (\$250).

9 (3) The requirements of this section for toilet facilities that are  
10 accessible to patrons, guests, or invitees on the property may be  
11 satisfied by permitting access by those persons to the toilet and  
12 handwashing facilities that are required by this part.

### 13 14 Article 3. Janitorial Facilities

15  
16 114279. (a) At least one curbed cleaning facility or janitorial  
17 sink equipped with a drain shall be provided and conveniently  
18 located for the cleaning of mops or similar wet floor cleaning  
19 tools and for the disposal of mop water and similar liquid waste.

20 (b) Restricted food service facilities shall be exempt from  
21 subdivision (a) if hot water is available for janitorial purposes  
22 and wastewater from janitorial activities is disposed of through  
23 an approved sewage disposal system.

24 114281. A room, area, or cabinet separated from any food  
25 preparation or storage area, or warewashing or storage area, shall  
26 be provided for the storage of cleaning equipment and supplies.

27 114282. After use, mops shall be placed in a position that  
28 allows them to air-dry without soiling walls, equipment, or  
29 supplies.

### 30 31 Article 4. Premises

32  
33 114285. (a) A private home, a room used as living or  
34 sleeping quarters, or an area directly opening into a room used as  
35 living or sleeping quarters may not be used for conducting food  
36 facility operations.

37 (b) Restricted food service facilities and supervised care  
38 facilities are exempt from subdivision (a), but shall not contain  
39 sleeping accommodations in any area where food is prepared or  
40 stored.

1 114286. (a) No sleeping accommodations shall be  
2 maintained or kept in any room where food is prepared, stored, or  
3 sold.

4 (b) Living or sleeping quarters located on the premises of a  
5 food facility shall be separated from rooms and areas used for  
6 food facility operations by complete partitioning and solid  
7 self-closing doors.

8  
9 CHAPTER 10. MOBILE FOOD FACILITIES

10  
11 114294. (a) All mobile food facilities and mobile support  
12 units shall meet the applicable requirements in Chapters 1 to 8,  
13 inclusive, and Chapter 13, unless specifically exempted from any  
14 of these provisions as provided in this chapter.

15 (b) The enforcement agency shall initially approve all mobile  
16 food facilities and mobile support units as complying with the  
17 provisions of this chapter and may require reapproval if deemed  
18 necessary.

19 (c) Each mobile food facility that is either a special purpose  
20 commercial modular and coach as defined by Section 18012.5 or  
21 a commercial modular coach as defined by Section 18001.8 shall  
22 be certified by the Department of Housing and Community  
23 Development, consistent with Chapter 4 (commencing with  
24 Section 18025) of Part 2 of Division 13, and regulations  
25 promulgated pursuant to that chapter. In addition, the  
26 enforcement agency shall approve all equipment installation prior  
27 to operation.

28 114295. (a) Except as specified in subdivision (b), all mobile  
29 food facilities shall operate in conjunction with a commissary,  
30 mobile support unit, or other facility approved by the  
31 enforcement agency.

32 (b) This section does not apply to mobile food facilities that  
33 operate at community events as defined in Section 113755 and  
34 that remain in a fixed position during food preparation and its  
35 hours of operation.

36 (c) Mobile food facilities shall be stored at or within a  
37 commissary or other location approved by the enforcement  
38 agency in order to have protection from unsanitary conditions.

1 (d) Mobile support units shall be operated from and stored at a  
2 designated commissary and shall be subject to permitting and  
3 plan review.

4 114297. (a) Mobile food facilities shall be cleaned and  
5 serviced at least once daily during an operating day.

6 (b) Except as specified in subdivision (c), all mobile food  
7 facilities shall report to the commissary or other approved facility  
8 on a daily basis.

9 (c) Mobile food facilities that are serviced by a mobile support  
10 unit and that do not report to a commissary on a daily basis shall  
11 be stored in a manner that protects the mobile food facility from  
12 contamination. All food shall be stored at the commissary or  
13 other approved facility at the end of the operating day.

14 (d) Mobile support units shall report to a commissary or other  
15 approved facility for cleaning, servicing, and storage at least  
16 daily.

17 114299. (a) Except as specified in subdivision (c), the  
18 business name or name of the operator, city, state, ZIP Code, and  
19 name of the permittee, if different from the name of the food  
20 facility, shall be legible, clearly visible to patrons, and  
21 permanently affixed on the customer side of the mobile food  
22 facility and on a mobile support unit.

23 (b) The name shall be in letters at least 3 inches high and shall  
24 be of a color contrasting with the vehicle exterior. Letters and  
25 numbers for the city, state, and ZIP Code shall not be less than  
26 one inch high.

27 (c) Notwithstanding subdivision (a), motorized mobile food  
28 facilities and mobile support units shall have the required  
29 identification on two sides.

30 114301. (a) Except to the extent that an alternative  
31 construction standard is explicitly prescribed by this section,  
32 construction standards for mobile food facilities that are subject  
33 to Part 2 (commencing with Section 18000) of Division 13 shall  
34 be governed by that part.

35 (b) Mobile food facility equipment, including, but not limited  
36 to, cooking equipment, the interior of cabinet units, and  
37 compartments, shall be designed and made of materials that  
38 result in smooth, readily accessible, and easily cleanable  
39 surfaces.

40 (1) Unfinished wooden surfaces are prohibited.

(2) Construction joints and seams shall be tightly fitted and sealed so as to be easily cleanable. Silicone sealant or equivalent waterproof compounds shall be acceptable, provided that the gap is smaller than one-quarter inch and applied smooth so as to prevent the entrance of liquid waste or vermin.

(3) Except as specified in Section 114314, ~~all~~ *nonportable* equipment shall be an integral part of the primary unit.

(c) Mobile food facilities that handle potentially hazardous foods, except for prepackaged frozen ready-to-eat foods, whole fish, and whole aquatic invertebrates, shall be equipped with refrigeration units as defined in Section 113885.

(d) All new and replacement gas-fired appliances shall meet applicable ANSI standards. All new and replacement electrical appliances shall meet applicable Underwriters Laboratory standards. However, for units subject to Part 2 (commencing with Section 18000) of Division 13, these appliances shall comply with standards prescribed by Sections 18028, 18029.3, and 18029.5.

(e) Space around pipes, conduits, or hoses that extend through cabinets, floors, or outer walls shall be sealed. The closure shall be smooth and easily cleanable.

(f) Equipment in which spillage is likely to occur shall have a drip tray fitted so that spillage drains into a waste tank.

(g) All equipment shall be installed so as to be easily cleanable, prevent vermin harborage, and provide adequate access for service and maintenance.

(1) Equipment shall be spaced apart or sealed together for easy cleaning. There shall be a minimum of four inches of unobstructed space provided for sanitary maintenance beneath counter mounted equipment or between the sides of adjacent equipment.

(2) Portable equipment or machinery need not comply with the minimum leg height requirement.

(3) Threads, nuts, or rivets shall not be exposed where they interfere with cleaning. Threads, nuts, or rivets that interfere with cleaning shall be sealed or capped.

(4) All floor mounted equipment shall be sealed to the floor to prevent moisture from getting under the equipment, or it shall be raised at least six inches off the floor by means of an easily cleanable leg and foot.

1 (h) Floors, walls, and ceilings of all enclosed food preparation  
2 areas shall be constructed so that the surfaces are impervious,  
3 smooth, and easily cleanable. Floor surfaces shall provide  
4 employee safety from slipping. The juncture of the floor and wall  
5 shall be coved with a  $\frac{3}{8}$  inch minimum radius coving, with the  
6 floor surface extending up the wall at least four inches.

7 (i) Notwithstanding Section 114143, ground or floor surfaces  
8 where cooking processes are conducted from a grill, barbecue, or  
9 other unenclosed cooking unit on a mobile food facility shall be  
10 impervious, smooth, easily cleanable, and shall provide  
11 employee safety from slipping. Ground or floor surfaces in  
12 compliance with this section shall extend a minimum of five feet  
13 on all open sides of where cooking processes are conducted.

14 114303. (a) Employee entrance doors to food preparation  
15 areas shall be self-closing and kept closed when not in use.

16 (b) The mobile food facility, and all equipment and utensils  
17 shall be protected from potential contamination, and kept clean,  
18 in good repair, and free of vermin.

19 (c) During transportation, storage, and operation of a mobile  
20 food facility, food, food-contact surfaces, and utensils shall be  
21 protected from contamination.

22 (d) The permitholder of an unenclosed mobile food facility  
23 handling nonprepackaged food shall develop and follow written  
24 operational procedures for food handling and the cleaning and  
25 sanitizing of food-contact surfaces and utensils. The enforcement  
26 agency shall review and approve the procedures prior to  
27 implementation and an approved copy shall be kept on the  
28 mobile food facility during periods of operation.

29 114305. (a) During operation, no food intended for retail  
30 shall be conveyed, held, stored, displayed, or served from any  
31 place other than a mobile food facility, except for the restocking  
32 of product in a manner approved by the enforcement agency.

33 (b) Food preparation counter space shall be provided  
34 commensurate with the food operation, adjacent to all cooking  
35 equipment.

36 (c) Except as specified in subdivision (d), food products  
37 remaining after each day's operation shall be stored in an  
38 approved commissary or other approved facility.

(d) Potentially hazardous foods held at or above 135°F on a mobile food facility or mobile support unit shall be destroyed at the end of the operating day.

114307. Mobile food facilities that operate at community events and that remain fixed during food preparation and its hours of operation may:

(a) Include a staffed counter that serves hot and cold beverages and ice that are not potentially hazardous food and that are dispensed from approved bulk dispensing units.

(b) Store supplies and food that are not potentially hazardous in unopened containers adjacent to the mobile food facility or in a nearby temporary storage unit. “Unopened container” means a factory sealed container that has not been previously opened and that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.

(c) Operate an open-air barbecue adjacent to the mobile food facility if approved by the enforcement agency.

114309. (a) Mobile food facilities and mobile support-unit units shall be exempt from the requirements of Sections 114250, 114256.1, and 114279.

(b) Nothing in this chapter shall be deemed to require any person to replace or modify an existing mobile food facility approved for operation prior to adoption of this part, so long as the facility is operated in accordance with the conditions of approval. Plans and specifications may be required by the enforcement agency if it determines that they are necessary to assure compliance with this part.

(c) Mobile food facilities equipped with a one-compartment sink or two-compartment sink that was approved for operation prior to adoption of this part need not provide a three-compartment sink.

114311. Except as specified in subdivision (c), mobile food facilities not under a valid permit as of January 1, 1997, from which nonprepackaged food is sold shall provide handwashing facilities. The handwashing facilities shall be separate from the warewashing sink.

(a) The handwashing sink shall have a minimum dimension of nine inches by nine inches in length and width and five inches in depth and be easily accessible by food employees.

(b) The handwashing facility shall be separated from the warewashing sink by a metal splashguard with a height of at least six inches that extends from the back edge of the drainboard to the front edge of the drainboard, the corners of the barrier to be rounded. No splashguard is required if the distance between the handwashing sink and the warewashing sink drainboards is 24 inches or more.

114313. (a) Except as specified in subdivision (b), mobile food facilities where nonprepackaged food is cooked, blended, or otherwise prepared shall provide a warewashing sink with at least three compartments with two integral metal drainboards.

(1) The dimensions of each compartment shall be at least 12 inches wide, 12 inches long, and 10 inches deep, or large enough to accommodate the cleaning of the largest utensil.

(2) Each drainboard shall be at least the size of one of the sink compartments. The drainboards shall be installed with at least  $\frac{1}{8}$  *one-eighth* inch per foot slope toward the sink compartment, and fabricated with a minimum of one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

(3) The sink shall be equipped with a mixing faucet and shall be provided with a swivel spigot capable of servicing all sink compartments.

(b) Mobile food facilities that are not required to provide a warewashing sink on the mobile food facility, including those that handle nonpotentially hazardous foods that require no preparation other than heating, baking, popping, portioning, bulk dispensing, or assembly shall wash and sanitize all utensils and equipment on a daily basis at the approved commissary or other approved food facility and provide and maintain an adequate supply of spare preparation and serving utensils in the mobile food facility as needed to replace those that become soiled or contaminated.

~~(c) Mobile food facilities shall develop and follow written operational procedures for food handling and cleaning and sanitizing food contact surfaces and utensils. The enforcement agency shall review and approve the procedures prior to their implementation. An approved copy of the procedures shall be kept on the mobile food facility during periods of operation.~~

114314. (a) Handwashing facilities and warewashing sinks for unenclosed mobile food facilities shall be an integral part of

1 the primary unit or on an approved auxiliary conveyance that is  
2 used in conjunction with, and maintained immediately adjacent  
3 to, the primary unit of the mobile food facility.

4 (b) When used in conjunction with a mobile food facility, an  
5 auxiliary conveyance shall contain all of the utility connections.

6 114315. Mobile food facilities shall be operated within 200  
7 feet travel distance of approved and readily available toilet and  
8 handwashing facilities, or as otherwise approved by the  
9 enforcement agency, to ensure restroom facilities are available to  
10 facility employees whenever the mobile food facility is stopped  
11 to conduct business for more than a one-hour period.

12 114317. The exterior of a mobile food facility and the  
13 surrounding area, as relating to the operation of food service,  
14 shall be maintained in a sanitary condition.

15 114319. (a) Spare tires, related automotive equipment, or  
16 special tools relating to the mechanical operation of the mobile  
17 food facility shall not be stored in the food preparation or food  
18 storage areas.

19 (b) A separate cabinet or drawer shall be installed for the  
20 storage of insecticides or other poisonous substances in  
21 accordance with Section 114254, if these substances are used. All  
22 poisonous chemicals shall be kept in this cabinet or drawer in  
23 their original containers and in a manner that offers no  
24 contamination hazard to food or utensils.

25 (c) During periods of inoperation, food and utensils shall be  
26 stored in one of the following methods:

27 (1) Within approved food storage facilities at the commissary  
28 or other approved facility.

29 (2) In food compartments approved by the enforcement  
30 agency where the food is protected at all times from  
31 contamination, exposure to the elements, ingress of rodents and  
32 other vermin, and temperature abuse.

33 114321. Mobile food facilities that are occupied during  
34 normal business operations shall have a clear, unobstructed  
35 height over the aisleway portion of the unit of at least 74 inches  
36 from floor to ceiling, and a minimum of 30 inches of  
37 unobstructed horizontal aisle space. This section shall not apply  
38 to vehicles under permit prior to January 1, 1996.

39 114322. Compressor units that are not an integral part of food  
40 equipment, auxiliary engines, generators, and similar equipment



1 shall be installed in an area that is completely separated from  
2 food preparation and food storage and that is accessible from  
3 outside the unit for proper cleaning and maintenance.

4 114323. (a) A first-aid kit shall be provided and located in a  
5 convenient area in an enclosed case.

6 (b) Mobile food facilities that operate at more than one  
7 location in a calendar day shall be equipped to meet all of the  
8 following requirements:

9 (1) All utensils in a mobile food facility shall be stored so as to  
10 prevent their being thrown about in the event of a sudden stop,  
11 collision, or overturn. A safety knife holder shall be provided to  
12 avoid loose storage of knives in cabinets, boxes, or slots along  
13 counter aisles. Knife holders shall be designed to be easily  
14 cleanable and be manufactured of materials approved by the  
15 enforcement agency.

16 (2) Coffee urns, deep fat fryers, steam tables, and similar  
17 equipment shall be equipped with positive closing lids that are  
18 fitted with a secure latch mechanism that will prevent excessive  
19 spillage of hot liquids into the interior of a mobile food facility in  
20 the event of a sudden stop, collision, or overturn. As an  
21 alternative to this requirement, a coffee urn may be installed in a  
22 compartment that will prevent excessive spillage of coffee in the  
23 interior of the unit.

24 (3) Metal protective devices shall be installed on the glass  
25 liquid level sight gauges on all coffee urns.

26 (c) Light bulbs and tubes shall be covered with a completely  
27 enclosed plastic safety shield or its equivalent, and installed so as  
28 to not constitute a hazard to personnel or food.

29 (d) All liquefied petroleum equipment shall be installed to  
30 meet applicable fire authority standards, and this installation shall  
31 be approved by the fire authority. However, for units subject to  
32 Part 2 (commencing with Section 18000) of Division 13, this  
33 equipment and its installation shall comply with standards  
34 prescribed by Sections 18028 and 18029.5.

35 (e) A properly charged and maintained minimum 10 BC-rated  
36 fire extinguisher to combat grease fires shall be properly  
37 mounted and readily accessible on the interior of each occupied  
38 mobile food facility.

39 (f) (1) Except for units subject to Part 2 (commencing with  
40 Section 18000) of Division 13, a second means of exit shall be

1 provided in the side opposite the main exit door, or in the roof, or  
2 the rear of the unit, with an unobstructed passage of at least 24  
3 inches by 36 inches. The interior latching mechanism shall be  
4 operable by hand without special tools or key. The exit shall be  
5 labeled “Safety Exit” in contrasting colors with letters at least  
6 one inch high.

7 (2) For units subject to Part 2 (commencing with Section  
8 18000) of Division 13, the size, latching, and labeling of the  
9 second means of exit shall comply with standards prescribed by  
10 Sections 18028 and 18029.5.

11 (g) All gas-fired appliances shall be properly insulated in a  
12 manner that will prevent excessive heat buildup and injury.

13 114325. A water heater or an instantaneous heater capable of  
14 heating water to a minimum of 120°F, interconnected with a  
15 potable water supply, shall be provided and shall operate  
16 independently of the vehicle engine.

17 (a) Except as specified in subdivision (b), a water heater with  
18 a minimum capacity of three gallons shall be provided for mobile  
19 food facilities.

20 (b) A minimum water heater capacity of one-half gallon shall  
21 be provided for mobile food facilities approved for limited food  
22 preparation.

23 114326. All commissaries and other approved facilities  
24 servicing mobile support units, mobile food facilities, and  
25 vending machines shall meet the applicable requirements in this  
26 part and all of the following:

27 (a) Adequate facilities shall be provided for the sanitary  
28 disposal of liquid waste from the mobile food facility or mobile  
29 support unit being serviced.

30 (b) Adequate facilities shall be provided for the handling and  
31 disposal of garbage and refuse originating from a mobile food  
32 facility or mobile support unit.

33 (c) Potable water shall be available for filling the water tanks  
34 of each mobile food facility and mobile support unit that requires  
35 potable water. Faucets and other potable water sources shall be  
36 constructed, located, and maintained so as to minimize the  
37 possibility of contaminating the water being loaded.

38 (d) Hot and cold water, under pressure, shall be available for  
39 cleaning mobile food facilities and mobile support units.

1 (e) Adequate facilities shall be provided for the storage of  
2 food, utensils, and other supplies.

3 (f) Notwithstanding Section 113984, commissaries that service  
4 mobile food facilities that conduct limited food preparation shall  
5 provide a food preparation area.

6 (g) Servicing areas at commissaries shall be provided with  
7 overhead protection, except that areas used only for the loading  
8 of water or the discharge of sewage and other liquid waste  
9 through the use of a closed system of hoses need not be provided  
10 with overhead protection.

11 (h) Servicing areas used for cleaning shall be sloped and  
12 drained to an approved wastewater system.

13 (i) Adequate electrical outlets shall be provided for mobile  
14 food facilities and mobile support units that require electrical  
15 service.

16 114327. (a) Mobile support units shall be subject to plan  
17 review and be approved by the enforcement agency.  
18 Requirements shall be based on proposed method of operation  
19 and number of mobile food facilities serviced.

20 (b) Mobile support units shall meet all applicable requirements  
21 of this part and the following:

22 (1) Interior floor, sides, and top shall be free of cracks, seams,  
23 or linings where vermin may harbor, and shall be constructed of  
24 a smooth, washable, impervious material capable of withstanding  
25 frequent cleaning with approved sanitizing agents.

26 (2) Be constructed and operated so that no liquid wastes can  
27 drain onto any street, sidewalk, or premises.

28 (3) If used to transport potentially hazardous food, approved  
29 equipment to maintain food at the required temperatures shall be  
30 provided.

31 (4) Food, utensils, and supplies shall be protected from  
32 contamination.

33 (5) A separate storage area shall be provided for all poisonous  
34 substances, detergents, bleaches, cleaning compounds, and all  
35 other injurious or poisonous materials.

36 (c) Mobile support units shall not be approved for  
37 warewashing.

38  
39 *Article 13.5. Nonprofit Charitable Temporary Food Facilities*  
40

1     114332. This article governs sanitation requirements for  
2     nonprofit charitable temporary food facilities.

3     114332.1. Nonprofit charitable temporary food facilities may  
4     operate up to four times annually. These four time periods shall  
5     not exceed 72 hours each.

6     114332.2. (a) Except where all food and beverage is  
7     prepackaged, hand washing, and utensil washing facilities  
8     approved by the enforcement officer shall be provided within  
9     nonprofit charitable temporary food facilities.

10    (b) Facilities for the sanitary disposal of all liquid waste shall  
11    be subject to the approval of the enforcement officer.

12    (c) At least one toilet facility for each 15 employees shall be  
13    provided within 60 meters (200 feet) of each nonprofit charitable  
14    temporary food facility.

15    (d) Food contact surfaces shall be smooth, easily cleanable,  
16    and nonabsorbent.

17    114332.3. (a) No potentially hazardous food or beverage  
18    stored or prepared in a private home may be offered for sale,  
19    sold, or given away from a nonprofit charitable temporary food  
20    facility. Potentially hazardous food shall be prepared in a food  
21    establishment or on the premises of a nonprofit charitable  
22    temporary food facility.

23    (b) All food and beverage shall be protected at all times from  
24    unnecessary handling and shall be stored, displayed, and served  
25    so as to be protected from contamination.

26    (c) Potentially hazardous food and beverage shall be  
27    maintained at or below 7 degrees Celsius (45 degrees  
28    Fahrenheit) or at or above 57.2 degrees Celsius (135 degrees  
29    Fahrenheit) at all times.

30    (d) Ice used in beverages shall be protected from  
31    contamination and shall be maintained separate from ice used  
32    for refrigeration purposes.

33    (e) All food and food containers shall be stored off the floor on  
34    shelving or pallets located within the facility.

35    (f) Smoking is prohibited in nonprofit charitable temporary  
36    food facilities.

37    (g) (1) Except as provided in paragraph (2), live animals,  
38    birds, or fowl shall not be kept or allowed in nonprofit charitable  
39    temporary food facilities.

1     (2) Paragraph (1) does not prohibit the presence, in any room  
2     where food is served to the public, guests, or patrons, of a guide  
3     dog, signal dog, or service dog, as defined by Section 54.1 of the  
4     Civil Code, accompanied by a totally or partially blind person,  
5     deaf person, person whose hearing is impaired, or handicapped  
6     person, or dogs accompanied by persons licensed to train guide  
7     dogs for the blind pursuant to Chapter 9.5 (commencing with  
8     Section 7200) of Division 3 of the Business and Professions  
9     Code.

10    (3) Paragraph (1) does not apply to dogs under the control of  
11    uniformed law enforcement officers or of uniformed employees of  
12    private patrol operators and operators of a private patrol service  
13    who are licensed pursuant to Chapter 11.5 (commencing with  
14    Section 7580) of Division 3 of the Business and Professions  
15    Code, while these employees are acting within the course and  
16    scope of their employment as private patrol persons.

17    (4) The persons and operators described in paragraphs (2)  
18    and (3) are liable for any damage done to the premises or  
19    facilities by the dog.

20    (5) The dogs described in paragraphs (2) and (3) shall be  
21    excluded from food preparation and utensil wash areas.  
22    Aquariums and aviaries shall be allowed if enclosed so as not to  
23    create a public health problem.

24    (h) All garbage shall be disposed of in a sanitary manner.

25    (i) Employees preparing or handling food shall wear clean  
26    clothing and shall keep their hands clean at all times.

27    114332.4. The enforcement officer may establish additional  
28    structural or operational requirements as necessary to ensure  
29    that food is of a safe and sanitary quality.

30    114332.5. Open-air barbecue facilities may be operated  
31    adjacent to nonprofit charitable temporary food facilities, and  
32    shall be subject to the requirements of Article 9 (commencing  
33    with Section 114185).

34    114332.7. Nothing in this article shall prevent a local  
35    enforcement agency from performing inspections of, or requiring  
36    permits for, any nonprofit charitable temporary food facility to  
37    ensure compliance with food safety provisions contained in this  
38    chapter.

## CHAPTER 11. TEMPORARY FOOD FACILITIES

114335. (a) Temporary food facilities that operate at a swap meet are limited to only prepackaged nonpotentially hazardous food and whole uncut produce, and shall meet the applicable requirements in ~~Chapter~~ *Chapters* 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions.

(b) Temporary food facilities that operate at a community event shall meet the applicable requirements in Chapters 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions.

(c) Food facility requirements shall be determined by the enforcement agency based on the food service activity to be conducted, the type of food that is to be prepared or served, the length of the event, and the extent of food preparation that is to be conducted at a community event within a temporary food facility.

(d) Notwithstanding subdivision (a), the enforcement agency may allow temporary food facilities at a swap meet, depending on the food service activity to be conducted, the type of food that is to be prepared or served, the duration of the swap meet, and the extent of food preparation that is to be conducted at the swap meet.

114337. The name of the facility, city, state, ZIP Code, and name of the operator shall be legible and clearly visible to patrons. The facility name shall be in letters at least three inches high, and shall be of a color contrasting with the surface on which it is posted. Letters and numbers for the city, state, and ZIP Code, may not be less than one inch in height.

114339. (a) No home canned or home processed foods shall be permitted within a temporary food facility.

(b) Notwithstanding subdivision (a), nonpotentially hazardous beverages and baked goods may be offered for sale, sold, or given away by nonprofit charitable organizations for fundraising purposes at community events.

114341. (a) Notwithstanding Section 113984, all food preparation at a community event shall be conducted within the temporary food facility or other approved food facility.

(b) Barbecues, grills or other equipment approved for outdoor cooking may be located adjacent to the temporary food facility if

1 local building and fire codes prohibit cooking inside the  
2 temporary food facility.

3 (c) Grills and barbecues or other approved cooking equipment  
4 shall be separated from public access by using ropes or other  
5 approved methods to prevent contamination of the food and  
6 injury to the public.

7 114343. (a) Except as otherwise provided in Section 113996,  
8 during operating hours of the temporary food facility, potentially  
9 hazardous food may be held at a temperature not to exceed 45°F  
10 for up to 12 hours in any 24-hour period.

11 (b) At the end of the operating day, potentially hazardous food  
12 that is held at 45°F shall be destroyed in a manner approved by  
13 the enforcement agency.

14 (c) At the end of the operating day, potentially hazardous food  
15 that is held at or above 135°F shall be destroyed in a manner  
16 approved by the enforcement officer.

17 114345. Temporary food facilities may include a staffed  
18 counter that serves hot and cold beverages and ice that are not  
19 potentially hazardous food and that are dispensed from approved  
20 bulk dispensing units.

21 114347. Temporary food facilities that handle  
22 nonprepackaged food shall provide floors constructed of  
23 concrete, asphalt, tight wood, or other similar cleanable material  
24 kept in good repair.

25 114349. (a) Temporary food facilities shall be equipped with  
26 overhead protection for all food preparation, food storage, and  
27 warewashing areas. Overhead protection shall be made of wood,  
28 canvas, or other materials that protect the facility from  
29 precipitation, dust, bird and insect droppings, and other  
30 contaminants.

31 (b) Temporary food facilities that handle nonprepackaged food  
32 must also protect food from contamination in all of the following  
33 ways:

34 (1) Enclosure of the food facility with 16 mesh per square inch  
35 screens.

36 (2) Limiting display and handling of nonprepackaged food in  
37 food compartments.

38 (3) Other effective means approved by the enforcement  
39 officer.

1 (c) Notwithstanding Section 113984, this section does not  
2 apply to temporary food facilities that are approved for limited  
3 food preparation if flying insects, vermin, birds, and other pests  
4 are absent due to the location of the facility or other limiting  
5 conditions.

6 114351. Notwithstanding Section 114095, a warewashing  
7 sink may be shared by no more than four temporary food  
8 facilities that handle nonprepackaged food if the sink is centrally  
9 located and is adjacent to the sharing facilities.

10 114353. A temporary food facility shall provide only  
11 single-use articles for use by the consumer.

12 114354. (a) Food-related and utensil-related equipment used  
13 in conjunction with a temporary food facility shall be approved  
14 by the enforcement agency.

15 (b) Cold and hot holding equipment shall be provided to insure  
16 proper temperature control during transportation, storage, and  
17 operation of the temporary food facility.

18 (c) Equipment shall be located and installed to prevent food  
19 contamination.

20 114355. Ice used for refrigeration purposes shall not be used  
21 for consumption in food or beverages.

22 114356. (a) Notwithstanding Section 114047, during periods  
23 of operation, supplies and nonpotentially hazardous food, in  
24 unopened containers may be stored adjacent to the temporary  
25 food facility or in unopened containers in an approved nearby  
26 temporary storage unit. An “unopened container” means a  
27 factory sealed container that has not been previously opened and  
28 that is suitably constructed to be resistant to contamination from  
29 moisture, dust, insects, and rodents.

30 (b) During periods of inoperation, food shall be stored within  
31 a fully enclosed temporary food facility, within a permanent food  
32 facility or other facility approved by the enforcement agency, or  
33 in approved food compartments where the food is protected at all  
34 times from contamination, exposure to the elements, ingress of  
35 rodents and other vermin, and temperature abuse.

36 114358. (a) Notwithstanding Section 113953, handwashing  
37 facilities for temporary food facilities that operate for three days  
38 or less may include a container capable of providing a continuous  
39 stream of water at a temperature of 100°F from an approved



1 source that leaves both hands free to allow vigorous rubbing with  
2 soap and warm water for 20 seconds.

3 (b) Food facilities that handle only prepackaged food may  
4 provide cold water with a germicidal soap at the handwashing  
5 facility.

6 (c) A catch basin shall be provided to collect wastewater, and  
7 the wastewater shall be properly disposed of according to Section  
8 114197.

9 (d) Handwashing facilities shall be equipped with  
10 handwashing cleanser and single-use sanitary towels.

11 (e) A separate receptacle shall be available for towel waste.

12 114359. (a) At least one toilet facility for each 15 employees  
13 shall be provided within 200 feet of each temporary food facility.

14 (b) Each toilet facility shall be provided with approved  
15 handwashing facilities.

16 114361. Temporary food facilities that operate for more than  
17 one day shall be cleaned and serviced by methods approved by  
18 the enforcement agency.

19 114363. Based upon local environmental conditions, location,  
20 and other similar factors, the enforcement officer may establish  
21 additional structural or operational requirements, or both, as  
22 necessary to ensure that foods are of a safe and sanitary quality.

23  
24 CHAPTER 12. CERTIFIED FARMERS' MARKETS  
25

26 114370. Certified farmers' markets shall meet the applicable  
27 general sanitation requirements in Section 113980 and as  
28 provided in this chapter.

29 114371. Certified farmers' markets shall meet all of the  
30 following requirements:

31 (a) All food shall be stored at least six inches off the floor or  
32 ground or under any other conditions that are approved.

33 (b) Food preparation is prohibited at certified farmers' markets  
34 with the exception of food samples. Distribution of food samples  
35 may occur provided that the following sanitary conditions exist:

36 (1) Samples shall be kept in approved, clean, covered  
37 containers.

38 (2) All food samples shall be distributed by the producer in a  
39 sanitary manner.

1 (3) Clean, disposable plastic gloves shall be used when cutting  
2 food samples.

3 (4) Food intended for sampling shall be washed or cleaned in  
4 another manner of any soil or other material by potable water in  
5 order that it is wholesome and safe for consumption.

6 (5) Notwithstanding Section 114205, potable water shall be  
7 available for handwashing and sanitizing as approved by the  
8 enforcement agency.

9 (6) Potentially hazardous food samples shall be maintained at  
10 or below 45°F and shall be disposed of within two hours after  
11 cutting.

12 (7) Wastewater shall be disposed of in a facility connected to  
13 the public sewer system or in a manner approved by the  
14 enforcement agency.

15 (8) Utensils and cutting surfaces shall be smooth,  
16 nonabsorbent, and easily cleanable, or single-use articles shall be  
17 utilized.

18 (c) Approved toilet and handwashing facilities shall be  
19 available within 200 feet travel distance of the premises of the  
20 certified farmers' market or as approved by the enforcement  
21 officer.

22 (d) No live animals, birds, or fowl shall be kept or allowed  
23 within 20 feet of any area where food is stored or held for sale.  
24 This subdivision does not apply to guide dogs, signal dogs, or  
25 service dogs when used in the manner specified in Section 54.1  
26 of the Civil Code.

27 (e) All garbage and refuse shall be stored and disposed of in a  
28 manner approved by the enforcement officer.

29 (f) Notwithstanding Chapter 10 (commencing with Section  
30 114294), vendors selling food adjacent to, and under the  
31 jurisdiction and management of, a certified farmers' market may  
32 store, display, and sell from a table or display fixture apart from  
33 the vehicle in a manner approved by the enforcement agency.

34 (g) Temporary food facilities may be operated as a separate  
35 community event adjacent to and in conjunction with certified  
36 farmers' markets that are operated as a community event. The  
37 organization in control of the event at which one or more  
38 temporary food facilities operate shall comply with Section  
39 114383.

1 114373. Raw shell eggs may be stored and displayed without  
2 refrigeration if all of the following conditions are met:

3 (a) The eggs were produced by poultry owned by the seller  
4 and collected on the seller's property.

5 (b) The eggs are not placed in direct sunlight during storage or  
6 display.

7 (c) Retail egg containers are prominently labeled "refrigerate  
8 after purchase" or the seller posts a conspicuous sign advising  
9 consumers that the eggs are to be refrigerated as soon as practical  
10 after purchase.

11 (d) Retail egg containers are conspicuously identified as to the  
12 date of the pack.

13 (e) The eggs have been cleaned and sanitized.

14 (f) The eggs are not checked, cracked, or broken.

15 (g) Any eggs that are stored and displayed at temperatures of  
16 90°F or below and that are unsold after four days from the date of  
17 pack shall be stored and displayed at an ambient temperature of  
18 45°F or below, diverted to pasteurization, or destroyed in a  
19 manner approved by the enforcement agency.

20 (h) Any eggs that are stored and displayed at temperatures  
21 above 90°F that are unsold after four days from the date of pack  
22 shall be diverted to pasteurization or destroyed in a manner  
23 approved by the enforcement agency.

24  
25 CHAPTER 13. COMPLIANCE AND ENFORCEMENT

26  
27 Article 1. Plan Review and Permits

28  
29 114380. (a) A person proposing to build or remodel a food  
30 facility shall submit complete, easily readable plans drawn to  
31 scale, and specifications to the enforcement agency for review,  
32 and shall receive plan approval before starting any new  
33 construction or remodeling of any facility for use as a retail food  
34 facility.

35 (b) Plans and specifications may also be required by the  
36 enforcement agency if the agency determines that they are  
37 necessary to assure compliance with the requirements of this  
38 part, including, but not limited to, a menu change or change in  
39 the facility's method of operation.

(c) (1) All new school food facilities or school food facilities that undergo modernization or remodeling shall comply with all structural requirements of this part. Upon submission of plans by the school authority, the Office of State Architect and the local enforcement agency shall review and approve all new and remodeled school facilities for compliance with all applicable requirements.

(2) Except where a determination is made by the enforcement agency that the nonconforming structural conditions pose a public health hazard, existing food facilities shall be deemed to be in compliance with the law pending replacement or renovation. If a determination is made by the enforcement agency that a structural condition poses a public health hazard, the school shall remedy the deficiency to the satisfaction of the enforcement agency.

(d) The plans shall be approved or rejected within 20 working days after receipt by the enforcement agency and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 working days, they shall be deemed approved. The building department shall not issue a building permit for a food facility until after it has received plan approval by the enforcement agency. Nothing in this section shall require that plans or specifications be prepared by someone other than the applicant.

114381. (a) A food facility shall not be open for business without a valid permit.

(b) A permit shall be issued by the enforcement agency when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements of this part.

(c) A permit, once issued, is nontransferable. A permit shall be valid only for the person, location, type of food sales, or distribution activity and, unless suspended or revoked for cause, for the time period indicated.

(d) Any fee for the permit or registration or related services, including, but not limited to, the expenses of inspecting and impounding any utensil suspected of releasing lead or cadmium in violation of Section 108860 as authorized by Section 114393, review of HACCP plans, and alternative means of compliance shall be determined by the local governing body.

1 (e) A permit shall be posted in a conspicuous place in the food  
2 facility or in the office of a vending machine business.

3 (f) Any person requesting the enforcement agency to  
4 undertake activity pursuant to Sections 114149.1 and 114419.3  
5 shall pay the enforcement agency's costs incurred in undertaking  
6 the activity. The enforcement agency's services shall be assessed  
7 at the current hourly cost recovery rate.

8 114381.1. In addition to the permit issued to each food  
9 facility participating in a community event or swap meet, a  
10 permit shall be obtained by the person or organization  
11 responsible for facilities that are shared by two or more food  
12 facilities.

13 (a) The permit application and site plan shall be submitted to  
14 the enforcement agency at least two weeks prior to operation of  
15 any food facility.

16 (b) The site plan shall show the proposed locations of the food  
17 facilities, restrooms, refuse containers, potable water supply  
18 faucets, waste water disposal facilities, and all shared  
19 warewashing and handwashing facilities.

20 114381.2. A permit application shall be submitted to the  
21 enforcement agency by each temporary food facility operator that  
22 includes all of the following:

23 (a) A site plan that indicates the proposed layout of equipment,  
24 food preparation tables, food storage, warewashing, and  
25 handwashing facilities.

26 (b) Details of the materials and methods used to construct the  
27 temporary food facility.

28 (c) All food products that will be handled and dispensed.

29 (d) The proposed procedures and methods of food preparation  
30 and handling.

31 (e) Procedures, methods, and schedules for cleaning utensils,  
32 equipment, and structures, and for the disposal of refuse.

33 (f) How food will be transported to and from a permanent food  
34 facility or other approved food facility and the temporary food  
35 facility, and steps taken to prevent contamination of foods.

36 (g) How potentially hazardous foods will be maintained at or  
37 below 41°F or at or above 135°F.

38 114385. (a) For purposes of this part, supervised care  
39 facilities shall not open for business without a valid permit or  
40 registration with the local enforcement agency.

1 (b) Supervised care facilities shall obtain a valid permit and  
2 shall be subject to the requirements of this part when food service  
3 is provided for 15 or more persons.

4 (c) Supervised care facilities shall register with the local  
5 enforcement agency when food service is provided for less than  
6 15 persons and for all supervised care facilities that are operated  
7 in private homes. For purposes of this part, registration shall  
8 serve as notification to the local enforcement agency of the  
9 existence of the facility or operation.

10 114387. Any person operating a food facility shall obtain all  
11 necessary permits to conduct business, including, but not limited  
12 to, a permit issued by the enforcement agency. In addition to the  
13 penalties prescribed under Article 2, violators shall be subject to  
14 closure of the facility and a penalty not to exceed three times the  
15 cost of the permit.

## 16 Article 2. Enforcement

17  
18  
19 114390. (a) Enforcement officers shall enforce this part and  
20 all regulations adopted pursuant to this part.

21 (b) (1) For purposes of enforcement, any authorized  
22 enforcement officer may, during the facility's hours of operation  
23 and other reasonable times, enter, inspect, issue citations to, and  
24 secure any sample, photographs, or other evidence from a food  
25 facility or any facility suspected of being a food facility, or a  
26 vehicle transporting food to or from a retail food facility, when  
27 the vehicle is stationary at an agricultural inspection station, a  
28 border crossing, or at any food facility under the jurisdiction of  
29 the enforcement agency, or upon the request of an incident  
30 commander.

31 (2) If a food facility is operating under a HACCP plan, the  
32 enforcement officer may, for the purpose of determining  
33 compliance with the plan, secure as evidence any documents, or  
34 copies of documents, relating to the facility's adherence to the  
35 HACCP plan. Inspection may, for the purpose of determining  
36 compliance with this part, include any record, file, paper,  
37 process, HACCP plan, invoice, or receipt bearing on whether  
38 food, equipment, or utensils are in violation of this part.

39 (c) Notwithstanding subdivision (a), an employee may refuse  
40 entry to an enforcement officer who is unable to present official

1 identification showing the enforcement officer's picture and  
2 enforcement agency name. In the absence of the identification  
3 card, a business card showing the enforcement agency's name  
4 plus a picture identification card such as a driver's license shall  
5 meet this requirement.

6 (d) It is a violation of this part for any person to refuse to  
7 permit entry or inspection, the taking of samples or other  
8 evidence, access to copy any record as authorized by this part, to  
9 conceal any samples or evidence, withhold evidence concerning  
10 them, or interfere with the performance of the duties of an  
11 enforcement officer, including making verbal or physical threats  
12 or sexual or discriminatory harassment.

13 (e) A written report of the inspection shall be made and a copy  
14 shall be supplied or mailed to the owner, manager, or operator of  
15 the food facility.

16 114391. (a) A food that is unsafe, adulterated, or not  
17 honestly presented as specified under Section 113980 shall be  
18 discarded.

19 (b) Food that is not from an approved source as specified in  
20 Section 113980 shall be discarded.

21 (c) Ready-to-eat food that may have been contaminated by an  
22 employee who has been restricted or excluded as specified in  
23 Section 113951 shall be discarded.

24 (d) Food that is contaminated by food employees, consumers,  
25 or other persons through contact with their hands, bodily  
26 discharges, such as nasal or oral discharges, or other means shall  
27 be discarded.

28 114393. (a) Based upon inspection findings or other  
29 evidence, an enforcement officer may impound food, equipment,  
30 or utensils that are found to be unsanitary or in such disrepair that  
31 food, equipment, or utensils may become contaminated or  
32 adulterated, and inspect, impound, or inspect and impound any  
33 utensil that is suspected of releasing lead or cadmium in violation  
34 of Section 108860. The enforcement officer may attach a tag to  
35 the food, equipment, or utensils that shall be removed only by the  
36 enforcement officer following verification that the condition has  
37 been corrected.

38 (b) No food, equipment, or utensils impounded pursuant to  
39 subdivision (a) shall be used unless the impoundment has been  
40 released.

1 (c) Within 30 days, the enforcement agency that has  
2 impounded the food, equipment, or utensils pursuant to  
3 subdivision (a) shall commence proceedings to release the  
4 impounded materials or to seek administrative or legal remedy  
5 for its disposition.

6 114395. Except as otherwise provided in this part, any person  
7 who violates any provision of this part or regulation adopted  
8 pursuant to this part is guilty of a misdemeanor. Each offense  
9 shall be punished by a fine of not less than twenty-five dollars  
10 (\$25) or more than one thousand dollars (\$1,000) or by  
11 imprisonment in the county jail for a term not exceeding six  
12 months, or by both fine and imprisonment.

13 114397. The owner, manager, or operator of any food facility  
14 is responsible for any violation by an employee of any provision  
15 of this part or any regulation adopted pursuant to this part. Each  
16 day the violation occurs shall be a separate and distinct offense.

17 114399. A violation of any provision of this part or regulation  
18 adopted pursuant to this part relating to facilities held in common  
19 or shared by more than one food facility shall be deemed a  
20 violation for which the owner, manager, or operator of each food  
21 facility is responsible.

### 22 Article 3. Permit Suspension or Revocation

23  
24  
25 114405. (a) A permit may be suspended or revoked by a  
26 local enforcement officer for a violation of this part. Any food  
27 facility for which the permit has been suspended shall close and  
28 remain closed until the permit has been reinstated. Any food  
29 facility for which the permit has been revoked shall close and  
30 remain closed until a new permit has been issued.

31 (b) Whenever a local enforcement officer finds that a food  
32 facility is not in compliance with the requirements of this part, a  
33 written notice to comply shall be issued to the permitholder. If  
34 the permitholder fails to comply, the local enforcement officer  
35 shall issue to the permitholder a notice setting forth the acts or  
36 omissions with which the permitholder is charged, and informing  
37 him or her of a right to a hearing, if requested, to show cause  
38 why the permit should not be suspended or revoked. A written  
39 request for a hearing shall be made by the permitholder within 15  
40 calendar days after receipt of the notice. A failure to request a



1 hearing within 15 calendar days after receipt of the notice shall  
2 be deemed a waiver of the right to a hearing. When  
3 circumstances warrant, the hearing officer may order a hearing at  
4 any reasonable time within this 15-day period to expedite the  
5 permit suspension or revocation process.

6 (c) The hearing shall be held within 15 calendar days of the  
7 receipt of a request for a hearing. Upon written request of the  
8 permitholder, the hearing officer may postpone any hearing date,  
9 if circumstances warrant the action.

10 114407. The hearing officer shall issue a written notice of  
11 decision to the permitholder within five working days following  
12 the hearing. In the event of a suspension or revocation, the notice  
13 shall specify the acts or omissions with which the permitholder is  
14 charged, and shall state the terms of the suspension or that the  
15 permit has been revoked.

16 114409. (a) If any imminent health hazard is found, unless  
17 the hazard is immediately corrected, an enforcement officer may  
18 temporarily suspend the permit and order the food facility  
19 immediately closed.

20 (b) Whenever a permit is suspended as the result of an  
21 imminent health hazard, the enforcement officer shall issue to the  
22 permitholder a notice setting forth the acts or omissions with  
23 which the permitholder is charged, specifying the pertinent code  
24 section, and informing the permitholder of the right to a hearing.

25 (c) At any time within 15 calendar days after service of a  
26 notice pursuant to subdivision (b), the permitholder may request  
27 in writing a hearing before a hearing officer to show cause why  
28 the permit suspension is not warranted. The hearing shall be held  
29 within 15 calendar days of the receipt of a request for a hearing.  
30 A failure to request a hearing within 15 calendar days shall be  
31 deemed a waiver of the right to a hearing.

32 114411. The enforcement agency may, after providing  
33 opportunity for a hearing, modify, suspend, or revoke a permit  
34 for serious or repeated violations of any requirement of this part  
35 or for interference in the performance of the duty of the  
36 enforcement officer.

37 114413. A permit may be reinstated or a new permit issued if  
38 the enforcement agency determines that the conditions that  
39 prompted the suspension or revocation no longer exist.

## Article 4. Variance

114417. The department may issue a variance for only the sections set forth in Section 113936 and Section 114056, if in the opinion of the department, the alternative practice or procedure is equivalent to the respective requirements of this part and the alternative practice or procedure does not result in a health hazard.

114417.1. (a) Within 180 days after the effective date of this part, the department shall develop the form of application that an applicant for a variance must submit. The department may amend the form as it deems appropriate. The application shall contain, at a minimum, the following information:

(1) A detailed description of the requested variance, including citation to the relevant ~~sections~~ *subdivisions* specified in Section 113936.

(2) An analysis of the science-based rationale upon which the proposed alternate practice or procedure is based, to include, if and as appropriate, microbial challenge and process validation studies demonstrating how potential health hazards dealt with in those ~~sections~~ *subdivisions* that are relevant to the requested variance will be addressed.

(3) A description of the specific procedures, processes, monitoring steps, and other relevant protocols that will be implemented pursuant to the variance to address potential health hazards dealt with in those ~~sections~~ *subdivisions* specified in Section 113936 that are relevant to the requested variance.

(4) ~~A~~ An HACCP plan, if required pursuant to Section 114430, that includes all applicable information relevant to the requested variance.

(b) An application for a variance shall be submitted to the department, and must be accompanied at the time of submission by the fees specified in subdivision (c).

(c) Each application for a variance shall be accompanied at the time of submission by payment of fees sufficient to pay the necessary costs of the department as specified in Section 113717. Any overpayment by the applicant in excess of the recovery rate and other costs incurred shall be repaid to the applicant within 30 calendar days after final action is taken by the department on the application.

1 114417.2. (a) Upon receipt of an application for a variance,  
2 the department shall determine whether the application is  
3 substantially complete and in compliance with Section 114417.1.  
4 Within 45 calendar days after submission of a complete  
5 application that complies with Section 114417.1, the department  
6 shall determine whether the alternate practice or procedure  
7 described in the application is satisfactory and at least the  
8 equivalent of the requirements of this part relating to preventing  
9 a health hazard.

10 (b) In the event that the department grants the variance, it shall  
11 issue to the applicant a variance letter that shall include, but not  
12 be limited to, the information specified in Section 114417.3.

13 (c) The department shall transmit a copy of its variance letter  
14 to all local enforcement agencies, and post the variance letter on  
15 the department's Internet Web site.

16 114417.3. Each variance letter shall include, have attached to  
17 it, or reference each of the following:

18 (a) The information specified in Section 114417.1. That  
19 information may be presented verbatim, in summary form, or by  
20 means of attachment.

21 (b) Detailed findings by the department as to the nature and  
22 extent of the potential hazards, if any, that might be implicated  
23 with respect to the requirements specified in this part, and the  
24 manner in which the alternate practice or procedure specified in  
25 the variance will address those hazards.

26 (c) The specifics of any operating restrictions or requirements  
27 upon which the granting of the variance is conditioned.

28 (d) If appropriate, the particular events, locations, and  
29 operations for which the variance is granted.

30 114417.4. A variance letter shall be valid solely with respect  
31 to those particular types of food facilities, events, locations, and  
32 operations expressly set forth and only on the specific terms and  
33 conditions upon which the variance is granted. A variance  
34 granted by the department shall be binding on every local  
35 enforcement agency.

36 114417.5. The permitholder shall retain a copy of the  
37 variance letter on file at the food facility at all times and shall  
38 make it available for inspection by the enforcement officer.

1 114417.6. If the department grants a variance, or if ~~a~~ *an*  
2 HACCP plan is required pursuant to Section 114430, the  
3 permitholder shall do both of the following:

4 (a) Comply with the HACCP plan and procedures that are  
5 submitted as specified in Section 114430.2 and approved as a  
6 condition for the granting of the variance.

7 (b) Maintain and provide to the enforcement agency, upon  
8 request, records specified under a HACCP plan, or otherwise  
9 pursuant to the variance letter, that demonstrate that the  
10 following are routinely employed:

- 11 (1) Procedures for monitoring critical control points.
- 12 (2) Monitoring of the critical control points.
- 13 (3) Verification of the effectiveness of an operation or process.
- 14 (4) Necessary corrective actions if there is a failure at a critical  
15 control point.

16 114417.7. (a) The department may suspend or revoke a  
17 variance if either of the following occurs:

18 (1) The department determines that the variance poses a  
19 hazard due to changes in scientific knowledge or the nature and  
20 extent of any hazard that might result.

21 (2) There is a finding that the food facility is not complying  
22 with specific terms and conditions pursuant to which the variance  
23 was granted.

24 (b) The department may suspend or revoke a variance upon  
25 the grounds specified in this section only after giving the  
26 permitholder written notice of the proposed suspension or  
27 revocation, which shall include the specific reasons why the  
28 variance is proposed to be suspended or revoked. The  
29 permitholder shall be given an opportunity to be heard, in person,  
30 in writing, or through a representative, at least 24 hours before  
31 the variance can be suspended or revoked.

#### 32 Article 5. HACCP Exemptions

33  
34 114419. (a) Food facilities may engage in any of the  
35 following activities only pursuant to ~~a~~ *an* HACCP plan as  
36 specified in Section 114419.1:

37 (1) Acidification of potentially hazardous foods to prevent  
38 bacterial growth.  
39

1 (2) Packing potentially hazardous foods in reduced oxygen  
2 packaging for a period that exceeds 10 days.

3 (3) Storing partially cooked meals in sealed containers at  
4 temperatures above 0°F for a period that exceeds 10 days.

5 (4) Preserving foods by smoking, curing, adding components  
6 such as vinegar, or using food additives.

7 (5) Brewing alcoholic beverages.

8 (6) Custom processing animals that are for personal use as  
9 food and not for sale or service in a food facility.

10 (7) Preparing food by another method that is determined by  
11 the enforcement agency to require ~~a~~ *an* HACCP plan.

12 (b) Food facilities may engage in the following only pursuant  
13 to ~~a~~ *an* HACCP plan that has been approved by the department:

14 (1) Using acidification or water activity to prevent the growth  
15 of clostridium botulinum.

16 (2) Using molluscan shellfish life support system display tanks  
17 to store and display shellfish that are offered for human  
18 consumption.

19 114419.1. For a food facility that is required under Section  
20 114419 to have ~~a~~ *an* HACCP plan, the plan and specifications  
21 shall indicate all of the following:

22 (a) A flow diagram of the specific food for which the HACCP  
23 plan is requested, identifying critical control points and providing  
24 information on the following:

25 (1) Ingredients, materials, and equipment used in the  
26 preparation of that food.

27 (2) Formulations or recipes that delineate methods and  
28 procedural control measures that address the food safety  
29 concerns involved.

30 (b) A food employee and supervisory training plan that  
31 addresses the food safety issues of concern.

32 (c) A statement of standard operating procedures for the plan  
33 under consideration including clearly identifying the following:

34 (1) Each critical control point.

35 (2) The critical limits for each critical control point.

36 (3) The method and frequency for monitoring and controlling  
37 each critical control point by the food employee designated by  
38 the person in charge.

1 (4) The method and frequency for the person in charge to  
2 routinely verify that the food employee is following standard  
3 operating procedures and monitoring critical control points.

4 (5) Action to be taken by the person in charge if the critical  
5 limits for each critical control point are not met.

6 (6) Records to be maintained by the person in charge to  
7 demonstrate that the HACCP plan is properly operated and  
8 managed.

9 (d) Additional scientific data or other information, as required  
10 by the department, supporting the determination that food safety  
11 is not compromised by the proposal.

12 114419.2. (a) Applicable HACCP training shall be provided  
13 and documented for food employees who work in the preparation  
14 of food for which ~~a~~ an HACCP plan has been implemented.  
15 Training given to food employees shall be documented as to date,  
16 trainer, and subject.

17 (b) Verification of critical limits specified in ~~a~~ an HACCP  
18 plan shall be conducted by a laboratory approved by the  
19 department prior to implementation of the HACCP plan.  
20 Documentation of laboratory verification shall be maintained  
21 with the HACCP plan for the duration of its implementation.

22 (c) No verification of the effectiveness of a critical limit shall  
23 be required if the critical limits used in the HACCP plan do not  
24 differ from the critical limits set forth in this part.

25 (d) The person operating a food facility pursuant to a HACCP  
26 plan shall designate at least one person to be responsible for  
27 verification of the HACCP plan. Training for the designated  
28 person shall include the seven principles of HACCP and the  
29 contents of the HACCP plan as described in Section 114419.1.  
30 HACCP training records of the designated person shall be  
31 retained for the duration of employment, or a period of not less  
32 than two years, whichever is greater.

33 (e) Critical limit monitoring equipment shall be suitable for its  
34 intended purpose and shall be calibrated as specified by its  
35 manufacturer. The food facility shall maintain all calibration  
36 records for a period not less than two years.

37 114419.3. (a) Except as specified in Section 114419, nothing  
38 in this section shall be deemed to require the enforcement agency  
39 to review or approve ~~a~~ an HACCP plan.

1 (b) The enforcement agency shall collect fees sufficient only  
2 to cover the costs for review, inspections, and any laboratory  
3 samples taken.

4 (c) ~~A~~*An* HACCP plan may be disapproved if it does not  
5 comply with HACCP principles.

6 (d) The enforcement agency may suspend or revoke its  
7 approval of ~~a~~ *an* HACCP plan without prior notice if the agency  
8 finds any of the following:

9 (1) The plan poses a public health risk due to changes in  
10 scientific knowledge or the hazards present.

11 (2) The food facility does not have the ability to follow its  
12 HACCP plan.

13 (3) The food facility does not consistently follow its HACCP  
14 plan.

15 (e) Within 30 days of written notice of suspension or  
16 revocation of approval, the food facility may request a hearing to  
17 present information as to why the HACCP plan suspension or  
18 revocation should not have taken place or to submit HACCP plan  
19 changes.

20 (f) The hearing shall be held within 15 working days of the  
21 receipt of a request for a hearing. Upon written request of the  
22 permit holder, the hearing officer may postpone any hearing date,  
23 if circumstances warrant that action.

24 (g) The hearing officer shall issue a written notice of decision  
25 within five working days following the hearing. If the decision is  
26 to suspend or revoke approval, the reason for suspension or  
27 revocation shall be included in the written decision.

28 114421. (a) Each food facility that identifies a trade secret  
29 shall provide in writing to the enforcement agency the  
30 information they consider to be a trade secret.

31 (b) The enforcement agency shall treat as confidential, to the  
32 extent allowed by law, information that meets the criteria  
33 specified in law for a trade secret and is contained on inspection  
34 report forms and in the plans and specifications submitted as  
35 specified under Section 114419.1.

36 114423. A microbial challenge study may be submitted to the  
37 enforcement agency for review for purposes of verifying that a  
38 food does not constitute a potentially hazardous food.

## Article 6. Exemptions

114425. Raw duck that otherwise would be readily perishable shall be exempt from Section 113996 for a period not to exceed two hours, if the duck will subsequently be cooked at or above a temperature of 350°F for at least 60 minutes.

(a) Whole Chinese-style roast duck shall be exempt from Section 113996 for a period not to exceed four hours after the duck is prepared, if the methods used to prepare the food inhibit the growth of microorganisms that can cause food infections or food intoxications. Nothing in this section shall be construed to supersede any provisions of this part, except the provisions specified in this section.

(b) For the purposes of this section, “Chinese-style roast duck” shall include, but not be limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. “Chinese-style roast duck” means duck which is prepared as follows:

(1) The abdominal cavity is cleaned.

(2) The duck is marinated.

(3) The cavity is closed prior to cooking.

(4) The duck is roasted at a temperature of 350°F or more for at least 60 minutes.

114427. The Mercado La Paloma, located at 3655 South Grand Avenue in Los Angeles, operated by Esperanza Community Housing Corporation, which is a public market open only on one side that meets the following criteria, shall be exempt from Section 114266:

(a) All facilities inside the Mercado La Paloma have overhead protection that extends over all food items.

(b) All facilities inside the Mercado La Paloma are enclosed on at least two sides.

(c) All facilities inside the Mercado La Paloma are under the constant and complete control of the operator.

(d) During periods of inoperation, food, utensils, and related items shall be stored so as to be adequately protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.

(e) During all hours of operation, air curtains shall be in operation over all unclosed door openings to the outside to exclude flying pests.



1 114429. (a) Notwithstanding Sections 113996 and 114343  
2 and if permitted by federal law, a food facility may sell Korean  
3 rice cakes that have been at room temperature for no more than  
4 24 hours.

5 (b) At the end of the operating day, Korean rice cakes that  
6 have been at room temperature for no more than 24 hours shall  
7 be destroyed in a manner approved by the enforcement agency.

8 (c) For purposes of this section, a “Korean rice cake” is  
9 defined as a confection that contains rice powder, salt, sugar,  
10 various edible seeds, oil, dried beans, nuts, dried fruits, and dried  
11 pumpkin. The ingredient shall not include any animal fats or any  
12 other products derived from animals.

13 (d) All manufacturers of Korean rice cakes shall place a label  
14 on the Korean rice cake as prescribed by Section 111223.

15  
16 Article 7. Food Facility Food Donations  
17

18 114432. Any food facility may donate food to a food bank or  
19 to any other nonprofit charitable organization for distribution to  
20 persons free of charge.

21 114433. No food facility that donates food as permitted by  
22 Section 114432 shall be subject to civil or criminal liability or  
23 penalty for violation of any laws, regulations, or ordinances  
24 regulating the labeling or packaging of the donated product or,  
25 with respect to any other laws, regulations, or ordinances, for a  
26 violation occurring after the time of the donation.

27 114434. The immunities provided in Section 114433 and by  
28 Section 1714.25 of the Civil Code are in addition to any other  
29 immunities provided by law, including those provided by  
30 Chapter 5 (commencing with Section 58501) of Part 1 of  
31 Division 21 of the Food and Agricultural Code.

32  
33 Article 8. Child Day Care Facilities, Community Care  
34 Facilities, and Residential Care Facilities for the Elderly  
35

36 114435. For purposes of this article, the following definitions  
37 shall apply:

38 (a) “Child day care facilities” shall have the same meaning as  
39 defined in Section 1596.750.

1 (b) “Community care facilities” shall have the same meaning  
2 as defined in Section 1502.

3 (c) “Residential care facilities for the elderly” shall have the  
4 same meaning as defined in Section 1569.2.

5 114436. Child day care facilities, community care facilities,  
6 and residential care facilities for the elderly shall not be deemed  
7 to be either food establishments or food facilities, and, therefore,  
8 shall be exempt from this part.

9 114437. (a) If and when adequate funding is made available,  
10 the State Department of Social Services shall develop new  
11 regulations regarding food preparation provisions for child day  
12 care facilities, community care facilities, and residential care  
13 facilities for the elderly that would carry out the intent of this part  
14 to ensure the health and safety of individuals and that would not  
15 adversely affect those facilities that are safely operated. In  
16 developing proposed food preparation provisions for child day  
17 care facilities, the State Department of Social Services shall  
18 consult with the State Department of Education.

19 (b) When enforcing this part for child day care facilities,  
20 community care facilities, and residential care facilities for the  
21 elderly, the State Department of Social Services shall refer repeat  
22 and major violations to the appropriate state or local enforcement  
23 agency.

24 SEC. 3. Any provisions of this act that impose additional  
25 duties upon the State Department of Health Services shall be  
26 implemented only if and when adequate funding is made  
27 available to the department.

28 SEC. 4. ~~The provisions of this~~ This act shall become  
29 operative on January 1, 2007.

30 SEC. 5. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution for  
32 certain costs that may be incurred by a local agency or school  
33 district because, in that regard, this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the  
35 penalty for a crime or infraction, within the meaning of Section  
36 17556 of the Government Code, or changes the definition of a  
37 crime within the meaning of Section 6 of Article XIII B of the  
38 California Constitution.

39 However, if the Commission on State Mandates determines  
40 that this act contains other costs mandated by the state,

1 reimbursement to local agencies and school districts for those  
2 costs shall be made pursuant to Part 7 (commencing with Section  
3 17500) of Division 4 of Title 2 of the Government Code.

O